

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, NOVEMBER 14, 2016**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:01 p.m. on Monday, November 14, 2016, with Councillor Lewis presiding.

Councillor Kreider introduced members of the Chinn community, and Rev. Dr. Hre Mang, who led the opening prayer. Councillor Kreider then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

22 PRESENT: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
3 ABSENT: Adamson, Ray, Sandlin

A quorum of twenty-two members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Oliver asked all veterans to stand and be acknowledged and thanked them for their service. Councillor Jackson recognized her mother and father, Vincent and Alma. Councillor Pfisterer recognized Detective Doug Wood. Councillor McHenry recognized Shawn Woodward and Dr. Jeffrey Butts, Wayne Township Schools Superintendent.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

Journal of the City-County Council

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 14, 2016, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Maggie A. Lewis
President, City-County Council

October 12, 2016

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, October 17, 2016 a copy of a Notice of Public Hearing on Proposal Nos. 350, 351, 359, 361 and 364, 2016, said hearing to be held on Monday, November 14, 2016, at 7:00 p.m. in the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

November 7, 2016

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 11, 2016 a copy of a Notice of Public Hearing on Proposal Nos. 355 and 356, 2016, said hearing to be held on Monday, November 21, 2016, at 5:30 p.m. in Room 260 of the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

October 20, 2016

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 21, 2016 – approves an additional appropriation of \$1,737,000 in the 2016 Budget of the Marion County Community Corrections Agency (Home Detention, State Grants and Federal Grants Funds) to cover the cost of electronic monitoring services and equipment, expanded staffing and operating costs to support the increased population served by the agency

FISCAL ORDINANCE NO. 22, 2016 – adopts the annual budget for the City of Indianapolis and Marion County for 2017

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2016 - approves the tax levy and rate for the Police Special Service District for 2017

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2016 - approves the tax levy and rate for the Fire Special Service District for 2017

November 14, 2016

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2016 - approves the tax levy and rate for the Solid Waste Collection Special Service District for 2017

GENERAL ORDINANCE NO. 48, 2016 – authorizes weight limit restrictions on Brookside and Arsenal Avenues (District 17)

GENERAL ORDINANCE NO. 49, 2016 – authorizes intersection controls on Cole Wood Boulevard (District 18)

GENERAL ORDINANCE NO. 50, 2016 – authorizes intersection controls on Miley Avenue, Saint Clair Street, Bellevue Place and Walnut Street (District 11)

GENERAL ORDINANCE NO. 51, 2016 – authorizes intersection controls at Oriental and St. Clair Streets (District 17)

GENERAL ORDINANCE NO. 52, 2016 – authorizes parking restrictions on Wilkins Street (District 16)

GENERAL ORDINANCE NO. 53, 2016 – authorizes the deletion of parking restrictions on Delaware Street (District 11)

GENERAL ORDINANCE NO. 54, 2016 – authorizes intersection controls at Minnesota and Union Streets (District 16)

GENERAL ORDINANCE NO. 55, 2016 – authorizes parking restrictions on Chesapeake Street and Alley 150 W (District 16)

GENERAL ORDINANCE NO. 56, 2016 – authorizes intersection controls at Hanover Drive and Villa Avenue (District 24)

GENERAL ORDINANCE NO. 57, 2016 – authorizes intersection controls at Chamberlin and Byrd Drives (District 24)

GENERAL ORDINANCE NO. 58, 2016 – authorizes intersection controls in the Harvard Green at Camby Village subdivision (District 20)

GENERAL ORDINANCE NO. 59, 2016 – authorizes a speed limit reduction in the Devonshire neighborhood (District 3)

GENERAL ORDINANCE NO. 60, 2016 – authorizes intersection controls at Hill Valley Drive and Lockwood Lane (District 23)

GENERAL ORDINANCE NO. 61, 2016 – authorizes turn restrictions at Central Avenue and 16th Street (District 11)

GENERAL ORDINANCE NO. 62, 2016 – authorizes weight limit restrictions on Lambert and Howard Streets (District 16)

GENERAL ORDINANCE NO. 63, 2016 - authorizes parking restrictions in the University Heights Neighborhood (District 16)

SPECIAL RESOLUTION NO. 36, 2016 – recognizes the National Beep Baseball Association's 2016 World Champion, Indy Thunder

s/Joseph H. Hogsett, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of October 10, 2016. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 294, 2016. The proposal, sponsored by Councillors Freeman and Sandlin, recognizes Major Tony Ardizzone as America's Reserve Sheriff's Deputy of the Year. Councillor Freeman stated that Major Ardizzone would rather receive the recognition without much fanfare and he will present the recognition at a later time. He moved, seconded by

Councillors Coats and McQuillen, for adoption. Proposal No. 294, 2016 was adopted by a unanimous voice vote.

Proposal No. 294, 2016 was retitled SPECIAL RESOLUTION NO. 37, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2016

A SPECIAL RESOLUTION recognizing Major Tony Ardizzone as America's Reserve Sheriff's Deputy of the Year.

WHEREAS, Maj. Ardizzone is in his second tour of duty at the Marion County Sheriff's Office (MCSO), where he began as a young Reserve Division deputy in 1985 and for 11 years, he worked his way through the ranks to supervisor of nearly 200 other fully trained, unpaid volunteer deputies; and

WHEREAS, Maj. Ardizzone left the Sheriff's Office in 1996 to focus on his family's many local business ventures, his wife Sue, son Tony and daughter Casey; and

WHEREAS, Maj. Ardizzone's son Tony is now taking on more business responsibilities, which freed up his dad to rejoin the MCSO at the urging of his longtime friend and former colleague Sheriff John Layton, and with the support of Sue and Casey; and

WHEREAS, at the request of Sheriff Layton, Maj. Ardizzone has helped spearhead a Hot Zone Initiative, alongside leaders of the Indianapolis Metropolitan Police Department (IMPD), to start a response team to arrest criminals, curb violence and make our neighborhoods safer; and

WHEREAS, earlier this year, Maj. Ardizzone personally purchased a 62-acre property located in Clay County, Indiana, with wooded, rolling land that includes three small lakes, a lodge-style home and several barns -- not for his family to enjoy, but instead, to be leased to the Indiana Sheriffs' Association for just \$1 per year, while the not-for-profit raises funds to develop an Indiana Sheriff's Youth Ranch for future law enforcement officers, at-risk kids, young witnesses and victims of crime; and

WHEREAS, Maj. Ardizzone's dedication to his dual careers and his compassion for kids and community were recognized by the National Sheriff's Association (NSA) when they named him as America's Reserve Sheriff's Deputy of the Year; and

WHEREAS, Maj. Ardizzone states, "Officers and deputies do not do this for the glory; they do it because they care and want to make a difference. They are often the last line of defense and I am proud to be a part of that;" now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Maj. Tony Ardizzone as America's Reserve Sheriff's Deputy of the Year.

SECTION 2. The Council extends its appreciation and gratitude to Maj. Ardizzone for his dedication, passion, leadership and resourcefulness in order to keep our community safe.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 365, 2016. The proposal, sponsored by Councillor Freeman, recognizes Kevin Winton and David Roth for their unwavering dedication and support for Helping Hands for Freedom and the Route for the Brave Campaign. Councillor Freeman read the proposal and presented Mr. Winton with a copy of the document and Council pin. Mr. Winton thanked the Council for the recognition. Councillor Freeman moved, seconded by Councillor Mascari, for adoption. Proposal No. 365, 2016 was adopted by a unanimous voice vote.

Proposal No. 365, 2016 was retitled SPECIAL RESOLUTION NO. 38, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2016

A SPECIAL RESOLUTION recognizing Kevin Winton and David Roth for their unwavering dedication and support for Helping Hands for Freedom and the Route for the Brave Campaign.

WHEREAS, The Route for The Brave is a campaign designed to support the mission of Helping Hands for Freedom (HHF). The Route for The Brave Walk's sole focus is to raise funds to build a House of Healing for Military families dealing with a family member lost, wounded, or serving multiple deployments in Iraq and/or Afghanistan and by providing emotional support and financial assistance when needed; and

WHEREAS, Kevin Winton, a Beech Grove Middle School teacher and David Roth, a 20-year veteran of the Indianapolis Metropolitan Police Department (IMPD), set out on a four-month walking trip from Atlantic City to San Francisco - 3,091 miles - to raise money to build that retreat for returning veterans and their families; and

WHEREAS, many fundraisers were conducted as they arrived in cities and towns across the country. Most nights were spent in hotel/motel rooms provided by the owners/managers. Meals were provided by organizations, pubs and restaurants along the route; and

WHEREAS, training for two years prior to the walk conditioned both men, but even so, there were blisters, sore feet, sore ankles, a broken toe, and a few leg problems that occurred. There were some close calls along the route on U.S. 40 with traffic passing by so closely; and a rattle snake that was ready to strike David, but there were no injuries; and

WHEREAS, both men walked six days a week, twenty to thirty miles a day and resting on Sunday. Veterans, GOLD STAR families, friends and others joined them at different places as they walked. In Kansas, they gave up their day of rest to help clean up fields after a tornado destroyed many homes and farm buildings, and left debris in the wheat fields; and

WHEREAS, Along the way, they visited baseball parks and had their names on the scoreboards in Philadelphia, St. Louis, and Kansas City, and were both on the field before the San Francisco 49ers and Green Bay Packers football game, where David took the game ball to the referee at the 50-yard line; and

WHEREAS, their goal was to raise \$3 million dollars to assist Helping Hands for Freedom in obtaining land and building the house. The House would also include animal therapy with horses, dogs and other animals to help the veterans with PTSD and slow the rate of suicide which happens all too often to those heroes who come back from our wars; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Helping Hands for Freedom and The Route for The Brave Campaign for their assistance in the healing process of many military families returning from deployment.

SECTION 2. The Council heartily congratulates Kevin Winton and David Roth for giving of themselves to walk across America and bring awareness to the importance of supporting military men, women and families.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 427, 2016. The proposal, sponsored by Councillors Pfisterer, Evans and McHenry, recognizes the life and legacy of Erika Wells. Councillor Pfisterer read the proposal and presented family members with copies of the document and Council pins. Dr. Jeffrey Butts, Wayne Township Schools Superintendent, thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Evans, for adoption. Proposal No. 427, 2016 was adopted by a unanimous voice vote.

Proposal No. 427, 2016 was retitled SPECIAL RESOLUTION NO. 39, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2016

A SPECIAL RESOLUTION recognizing the life of Erika Diane Wells.

WHEREAS, Erika was born to Gordon and Diane (Glosson) Wells on August 11, 1978, in Spencer, Indiana. She is survived by brother Gavin, sister-in-law Jenna and two nephews, Warner and August; and

WHEREAS, Erika attended Owen Valley Community High School, graduating in 1997. She received her undergraduate degree in Elementary Education from Indiana Wesleyan College in 2001, and her Master's degree from Indiana University Purdue University Indianapolis (IUPUI) in 2007; and

WHEREAS, for 15 years, Ms. Wells was a kindergarten teacher at Rhoades Elementary School in Wayne Township, where she served as the Relay-for-Life Coordinator for the school and as the Spell Bowl Coach. Erika was also well-known within the running and cycling community, having participated in many triathlons and marathons, especially with her mom. She was a member of Mount Pleasant Christian Church of Greenwood, where she was active with the youth; and

WHEREAS, Erika's favorite quote was, "*Life isn't about waiting for the storm to pass; it's about learning how to dance in the rain.*" (Anonymous); and

WHEREAS, Erika departed this life on October 12, 2016. Her spirit and upbeat personality will be dearly missed by her family and friends and those who loved her; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly honors the life of Erika Diane Wells.

SECTION 2. The Council celebrates the life of Erika and extends comfort to her family and friends.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 428, 2016. The proposal, sponsored by Councillors Ray, Adamson, Miller and Johnson, recognizes the Indiana Union Construction Industry and their recruitment arm, the Indiana Careers in Construction Association. Councillor Miller read the proposal and presented representatives with copies of the document and Council pins. Mr. Patterson, Apprenticeship Institute, thanked the Council for the recognition. Councillor Miller moved, seconded by Councillor Johnson, for adoption. Proposal No. 428, 2016 was adopted by a unanimous voice vote.

Proposal No. 428, 2016 was retitled SPECIAL RESOLUTION NO. 40, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2016

A SPECIAL RESOLUTION recognizing the Indiana Union Construction Industry and their recruitment arm, the Indiana Careers in Construction Association.

WHEREAS, this week, as the country celebrates National Apprenticeship Week recognizing the value of skilled training to workforce and economic development, we recognize the impact made by the Indiana Union Construction Industry and their recruitment arm, the Indiana Careers in Construction Association, throughout Indiana; and

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WHEREAS, by providing skilled apprenticeship training programs to Hoosiers statewide, the Indiana Union Construction Industry and the Indiana Careers in Construction Association are providing opportunities for our residents to improve their skills, careers, and their lives. These training programs are an asset to our communities; and

WHEREAS, there are currently more than 75,000 skilled trades men and women in the Indiana Union Construction Industry; and

WHEREAS, there are more than 60 apprenticeship training locations statewide with trades ranging from Carpenters, Ironworkers, Plumbers, Pipefitters and Electricians to Roofers, Cement Masons and Elevator Constructors; and

WHEREAS, there are currently more than 6,700 apprentices enrolled in training programs in the Indiana Union Construction Industry who receive 2,000 hours of on-the-job education and a minimum of 216 hours of classroom instruction every year; and

WHEREAS, each year, the Indiana Union Construction Industry makes a private industry investment of more than \$42 million dollars in training through their jointly managed apprenticeship programs; and

WHEREAS, since 1993, more than 10,000 apprentices from the Indiana Union Construction Industry have earned an Associate's Degree in Applied Science from Ivy Tech Community College. This two-year degree is earned at no additional cost to the student; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council proudly recognizes the Indiana Union Construction Industry and their recruitment arm, the Indiana Careers in Construction Association.

SECTION 2. The Council heartily congratulates the Indiana Union Construction Industry and the Indiana Careers in Construction Association and wishes them continued success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

PROPOSAL NO. 429, 2016. The proposal, sponsored by Councillors McQuillen, McHenry and Lewis, recognizes 2016 Rio Olympians Ashley Spencer, Felisha Johnson, Amber Campbell, Tamika Catchings and Paul George. Councillor McQuillen read the proposal and presented representatives with copies of the document and Council pins. Dr. Grant Nesbitt, Director of Athletics and Wellness, Lawrence Township Metropolitan School District, thanked the Council for the recognition. Councillor McQuillen moved, seconded by Councillor McHenry, for adoption. Proposal No. 429, 2016 was adopted by a unanimous voice vote.

Proposal No. 429, 2016 was retitled SPECIAL RESOLUTION NO. 41, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2016

A SPECIAL RESOLUTION recognizing 2016 Rio Olympians Ashley Spencer, Felisha Johnson, Amber Campbell, Tamika Catchings and Paul George.

WHEREAS, Felisha Nayomie Johnson is a graduate of Lawrence North High School. She is a track and field athlete who specializes in the shot put. Felisha was the 2015 national indoor champion in the weight throw and has won two NCAA collegiate titles in that event for the Indiana State University Sycamores. Felisha achieved her first national title at the 2015 USA Indoor Track and Field Championships in the weight throw by two centimeters through a personal record of 23.45m. She returned to top form in the 2016 season, setting a personal record of 23.53m. She competed in the 2016 Olympics in the Track and Field Shot Put competition, finishing in 14th place; and

WHEREAS, Ashley Spencer, an Indianapolis native, who exploded on the national and international scene in 2012, as she became the first freshman to win the NCAA 400-meter title since Sanya Richards-Ross in 2003. Ashley attended the University of Illinois at Urbana-Champaign, where she ran for the Illinois Fighting Illini and won two (2)

NCAA titles. She then attended the University of Texas at Austin, where she ran for the Texas Longhorns. Ashley competed and finished in the 400m hurdles with a bronze medal in the 2016 Rio Olympics; and

WHEREAS, Amber Campbell is a 1999 Pike High School graduate. She then went on to earn her Bachelor of Arts in Psychology from Coastal Carolina University. In her free-time, she enjoys reading, traveling, and doing activities with her sorority Zeta Phi Beta. Amber is a six-time USA Hammer Throw Indoor champion, and a three time Olympian (2008, 2012, 2016). She competed in the 2016 Olympics in the Track and Field Hammer Throw competition, finishing in sixth place. When she is not training, she serves as a volunteer assistant coach for throwers at Coastal Carolina University; and

WHEREAS, Tamika Catchings has played her entire 15-year career with the Indiana Fever. She is a 10-time Women's National Basketball Association (WNBA) All-Star, 2012 WNBA Champion, an WNBA MVP, WNBA Defensive Player of the Year and, with this years' Olympic Gold Medal win, she is a four-time Olympic gold medalist. She is the founder of *Catch the Stars Foundation*, a charitable organization that provides basketball camps, fitness clinics, mentoring and literacy programs for underprivileged children to help them become successful in sports and academics. Although Tamika has retired from basketball, her passion for the game and the success of students still remains; and

WHEREAS, Paul George is currently in his sixth season as a Forward on the Indiana Pacers. He came to Indiana as the 10th overall pick of the 2010 NBA draft. He is a three-time (2013, 2014 and 2016) NBA Eastern Conference All-Star team selection, 2016 NBA Eastern Conference All-Star Starter and was named to the 2016 U.S. Olympic Team where they won a gold medal; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the 2016 Rio Olympians Ashley Spencer, Felisha Johnson, Amber Campbell, Tamika Catchings and Paul George.

SECTION 2. The Council heartily congratulates Indiana's own Olympic athletes and wishes them success in all future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 430, 2016. The proposal, sponsored by Councillor Jackson, recognizes HUD's My Brother's Keeper Program; staffers John Hall, Anthony Mitchell, and Shaunicy Greer; and the many community partners. Councillor Jackson read the proposal and presented representatives with copies of the document and Council pins. Director John Hall and Anthony Mitchell thanked the Council for the recognition. Councillor Jackson moved, seconded by Councillor Clay, for adoption. Proposal No. 430, 2016 was adopted by a unanimous voice vote.

Proposal No. 430, 2016 was retitled SPECIAL RESOLUTION NO. 42, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 2016

A SPECIAL RESOLUTION recognizing the Department of Housing and Urban Development's (HUD) My Brother's Keeper (MBK) Program; staffers John Hall, Anthony Mitchell, and Shaunicy Greer; and the many MBK community partners.

WHEREAS, HUD is a cabinet-level agency that oversees federal programs designed to help Americans with their housing needs. HUD seeks to increase homeownership, support community development, reduce homelessness and increase access to affordable housing free from discrimination; and

WHEREAS, President Obama launched the My Brother's Keeper initiative, and through this initiative, the Administration is joining with cities and towns, businesses, and foundations who are taking important steps to connect young people to mentoring, support networks, and the skills they need to find a good job or go to college and work their way into the middle class; and

WHEREAS, HUD's MBK Program started out as a pilot program initiative that was designed to target underserved residents in the Indianapolis community who do not have access to the resources that are readily available to other residents; and

WHEREAS, HUD implemented the MBK Program in high crime areas using their Subsidized Housing portfolio to maximize the resources provided by the Partners and to uplift communities. MBK believes in bringing forth a group of stakeholders having a vested interest in the reduction of crime in the inner city, who are looking to identify at-risk youth and provide them with ex-offender assistance, continuing education, social development, job readiness and opportunities; and

WHEREAS, without such assistance, there would be little hope of those individuals becoming productive members of society. The success of this initiative is demonstrated by the individual successes and/or the lessening of crime in neighborhoods; and

WHEREAS, this resolution is not only honoring HUD's MBK program, but three HUD staff members who have put forth a lot of hard work in seeing this program get off the ground. John Hall presently serves at the Indianapolis HUD office as Field Office Director for HUD. John supervises the work of a full staff and assures that they maintain knowledge and deliver services of HUD programs and quality intervention for residents and customers. In his role as HUD Director for the Indianapolis Office, Mr. Hall serves as the point of contact for Congressional and Intergovernmental press relations and corresponds regularly with community organizations, elected officials, key aides and advocacy groups in providing housing guidance and advice in developing solutions to gain the best benefit from HUD resources; and

WHEREAS, Anthony D. Mitchell is a 1973 graduate of Crispus Attucks High School. He attended Youngstown State University, earning a Bachelor's degree in Sociology. Anthony returned to Indianapolis in the mid-1980's and started his housing career with the Indiana State Housing Board. He was hired by HUD as a Real Estate Specialist. He has served the past 27 years in various capacities and is now the Asset Resolution Specialist; and

WHEREAS, Shaunicy D. Greer joined the U.S. Army/Army National Guard while simultaneously attending the University of Arkansas at Pine Bluff, where he received his Bachelor's degree in Elementary Education in 2001. Following his undergraduate studies, Shaunicy was deployed to Camp Taji, Iraq, in 2003. Upon completion of his tour of duty, he moved to Indianapolis and gained employment as a teacher for Indianapolis Public Schools. Shortly afterwards, he transferred to work for the United States Department of Veteran Affairs. In 2010, Shaunicy started employment at HUD as an Account Executive; and

WHEREAS, the following community partners were instrumental in starting the pilot program for Indianapolis MBK: Trinity CME Church, PACE Indy, Meadowlark HGI, City of Indianapolis, Mayor's Office, Eskenazi Health Midtown, Carriage House East, Gene B. Glick, Co., Pathway Resource Center, Inc., Martindale Brightwood Quality of Life Plan, Keystone North Apartments, Indianapolis Housing Agency, The Excel Center, Flaherty & Collins Properties, Café Indy, Fervent Prayers, Goodwill Indy, Coworx Staffing, FedEx, WorkOne Indy, Youth Resources and The Updraft ; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Indianapolis' Housing and Urban Development (HUD) and their My Brother's Keeper (MBK) program.

SECTION 2. The Council extends its appreciation to HUD, their MBK program and community partners for their commitment and dedication to the empowerment of youth in Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 426, 2016. The proposal, sponsored by Councillor Lewis, approves a schedule of regular council meetings for the year 2017. Clerk NaTrina DeBow stated that Councillors should have all received the proposed meeting dates for 2017, and she has not had any requests for changes. Councillor McQuillen moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 426, 2016 was adopted on the following roll call vote; viz:

Proposal No. 426, 2016 was retitled COUNCIL RESOLUTION NO. 102, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 102, 2016

A PROPOSAL FOR A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2017.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 2017:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 9, 2017 | (9) Monday, July 24, 2017 |
| (2) Monday, January 30, 2017 | (10) Monday, August 14, 2017 |
| (3) Monday, February 27, 2017 | (11) Monday, September 11, 2017 |
| (4) Monday, March 20, 2017 | (12) Monday, September 25, 2017 |
| (5) Monday, April 10, 2017 | (13) Monday, October 09, 2017 |
| (6) Monday, May 08, 2017 | (14) Monday, November 06, 2017 |
| (7) Monday, June 05, 2017 | (15) Monday, December 04, 2017 |
| (8) Monday, July 10, 2017 | (16) Monday, December 18, 2017 |

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 375, 2016. Introduced by Councillors Simpson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Brian Barton to the Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 376, 2016. Introduced by Councillors Simpson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Cathi Gould to the Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 380, 2016. Introduced by Councillor Simpson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the mayor's appointment of Charles Johnson as chairperson of the audit committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 381, 2016. Introduced by Councillors Adamson, Simpson and Ray. The Clerk read the proposal entitled: "A Proposal for a General Resolution which determines the need to lease approximately 2,100 square feet of space located at 501 North Post Road for use by the Marion County Assessor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 382, 2016. Introduced by Councillors Pfisterer, Osili and Simpson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which determines the need to lease approximately 26,422 square feet of space located at 521 West McCarty Street for use by the Marion County Coroner"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 383, 2016. Introduced by Councillors Pfisterer and Simpson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the disposal of certain parcels with an appraised value of \$50,000 or more by the Board of Commissioners"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 384, 2016. Introduced by Councillor Simpson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves transfers and additional appropriations totalling \$1,584,068 in the 2016 Budgets of the Office of Minority and Women Business Development, Telecom and Video Services Agency, and Information Services Agency (Consolidated County, ISA, and Enhanced Access Funds) to provide for increased costs in these agencies to finish out the year"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 385, 2016. Introduced by Councillor Simpson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which adopts internal control standards as defined by the State Board of Accounts and establishes a materiality threshold"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 386, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kenneth Allen to the Board of Business and Neighborhood Services"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 387, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Anthony Bridgeman to the Board of Business and Neighborhood Services"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 388, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Matthew Albaugh to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 389, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Abigail Hohmann to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 390, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Tony Pearson to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 391, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Michael Solari to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 392, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Nora Spitznogle to the

Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 393, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jeremy Stewart to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 394, 2016. Introduced by Councillors Osili and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mark Young to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 395, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves the 2017 Budget of the Woodruff Place Economic Improvement District"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 396, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves total expenditures of \$1,072,500 for calendar year 2017 from Community Revitalization Enhancement District (CRED) funds for various improvements benefitting the Lafayette Square (aka International Marketplace) CRED District"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 397, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits for Cook Group, Inc., Cook General Biotechnology, and related entities, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 398, 2016. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves transfers and additional appropriations totalling \$359,000 in the 2017 Budget of the Department of Business and Neighborhood Services (Permits and Consolidated County Funds) to fund overtime costs, costs of an ongoing legal case, and the purchase of vehicles"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 399, 2016. Introduced by Councillors Gray and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints T.D. Robinson to the Indianapolis-Marion County Public Library Board of Trustees"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 400, 2016. Introduced by Councillors Gray and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dr. Terri Jett to the Indianapolis-Marion County Public Library Board of Trustees"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 401, 2016. Introduced by Councillors Oliver and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joshua Bowling to the

Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 402, 2016. Introduced by Councillors Oliver and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joseph Wynns to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 403, 2016. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves transfers and additional appropriations totalling \$530,179 in the 2017 Budget of the Department of Parks and Recreation (Parks General and Federal Grants Funds) to cover legal settlement costs, increased fleet costs and food programs."; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 404, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robin Kimp to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 405, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Karla Lopez-Owens to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 406, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Renee Turner-Pack to the Board of Public Health and Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 407, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Mark Webster to the Board of Public Health and Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 408, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Leroy Robinson to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 409, 2016. Introduced by Councillors Adamson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jamar Cobb-Dennard to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 410, 2016. Introduced by Councillors Adamson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Dr. Henry Fernandez to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 411, 2016. Introduced by Councillors Adamson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Henry Williams to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 412, 2016. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves transfers, reductions, and additional appropriations totalling \$7,828,194 in the 2016 Budgets of various public safety and criminal justice agencies and departments(various city and county funds) to cover expenses to finish out the year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 413, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$314,000 from the Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 414, 2016. Introduced by Councillor McHenry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction of 25 mph on Oceanline Drive and Oceanline Drive East within the Islands and Islands Village subdivisions"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 415, 2016. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Franklin and Southport Roads (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 416, 2016. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Hartington Place and Southport Road (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 417, 2016. Introduced by Councillor Mascari. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Boyd and Southern Avenues (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 418, 2016. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Linden and Murry Streets (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 419, 2016. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Illinois and Wilkins Streets (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 420, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Patricia Street and Welch Drive (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 421, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes weight limit restrictions on Pine Street, from Washington Street to Ohio Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 422, 2016. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes weight limit restrictions in the areas surrounding the Ameriplex Parkway and Kentucky Avenue (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 423, 2016. Introduced by Councillors Fanning and Scales. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves an interlocal agreement between Indianapolis-Marion County and Carmel-Hendricks County for the financing, design, construction and improvement to 96th Street between Haverstick Road and Priority Way Drive West (Districts 2 and 3) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 424, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$1,800,000 in the 2016 Budget of the Department of Public Works (Parks General and Transportation General Funds) to cover personnel costs for the remainder of 2016"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 425, 2016. Introduced by Councillors Simpson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Barbara Howard to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 431-432, 2016 and PROPOSAL NOS. 433-435, 2016. Introduced by Councillor Osili. Proposal Nos. 431-432, 2016 and Proposal Nos. 433-435, 2016 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 31, 2016. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 89-93, 2016, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 89, 2016.
2016-ZON-050
8252 Kelly Lane (approximate address)
Washington Township, CD #3
Mike's #5, LLC, by Timothy E. Ochs
Rezoning of 0.66 acre from the C-S district to the C-4 classification.

REZONING ORDINANCE NO. 90, 2016.
2016-CZN-822
3501 South East Street (approximate address)
Perry Township, CD #16
Mike's #21, LLC, by Timothy E. Ochs
Rezoning of 0.86 acre from the D-3 district to the C-4 classification

REZONING ORDINANCE NO. 91, 2016.
2015-ZON-091 (Amended)
3604 Madison Avenue (Approximate Address)
Perry Township, Council District #16
Liberty Commercial Investors, LLC, by Pat Rooney
Rezoning of three acres from the D-A district to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 92, 2016.
2016-ZON-032
233 and 237 (233-parcel) North East Street (Approximate Address)
Center Township, Council District #17
Cyrus Jafari
Rezoning of 0.5 acre from the SU-1 district to the CBD-2 classification.

REZONING ORDINANCE NO. 93, 2016.

2016-ZON-055

8002 Oaklandon Road (Approximate Address), City of Lawrence

Lawrence Township, Council District #5

Crown Castle GT Company, LLC, by Michael Gasser

Rezoning of 0.95 acre from the C-S district to the SU-18 classification to provide for the continued operation of a wireless communications facility, with the construction of a 170-foot tall tower, and to permit two towers to remain on the site for no more than five years.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 350, 2016. Councillor Simpson reported that the Administration and Finance Committee heard Proposal No. 350, 2016 on November 9, 2016. The proposal, sponsored by Councillor Simpson, approves an additional appropriation of \$35,775 in the 2016 Budget of the Information Services Agency (Enhanced Access Fund) to cover expenses associated with the conversion and import of historical City-County Council data to the Legislation Management System, and the public-facing access portal, which will allow easier public access. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Simpson moved, seconded by Councillor Mascari, for adoption. Proposal No. 350, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson

0 NAYS:

3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 350, 2016 was retitled FISCAL ORDINANCE NO. 28, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 36, 2015) by adding a total of \$35,775 for purposes of the Marion County Information Service Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since its adoption, the City-County Annual Budget for 2016 is hereby amended by the increases and decreases hereinafter stated for purposes of the Marion County Information Service Agency.

SECTION 2. The **Marion County Information Service Agency** requests an additional \$35,775 in Character 3 of the Enhanced Access Fund to cover expenses associated with the conversion and import of historical City County Council's data to the Legislation Management System, and the public-facing access portal, which will allow easier public access.

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>TOTAL</u>
Enhanced Access Fund			35,775		35,775

SECTION 3. Upon approval of this, and other pending approvals, the 2016 year end and projected 2017 year end fund balances are as follows:

	Projected 2016 year-end balance	Projected 2017 year-end balance
Enhanced Access Fund	917,365	1,159,585

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 351, 2016. Councillor Simpson reported that the Administration and Finance Committee heard Proposal No. 351, 2016 on October 25, 2016. The proposal, sponsored by Councillor Simpson, approves an additional appropriation of \$530,000 in the 2016 Budget of the Office of Corporation Counsel (Consolidated County General Fund) to cover expenses associated with covering the legal expenses related to collective bargaining negotiations and pending litigation matters on behalf of the Marion County Sheriff, Information Services Agency, and Marion County Prosecutor. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Simpson moved, seconded by Councillor Evans, for adoption. Proposal No. 351, 2016 was adopted on the following roll call vote; viz:

22 YEAS: *Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson*

0 NAYS:

3 ABSENT: *Adamson, Ray, Sandlin*

Proposal No. 351, 2016 was retitled FISCAL ORDINANCE NO. 29, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 36, 2015) by adding a total of \$530,000 for purposes of the Office of Corporation Counsel.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since its adoption, the City-County Annual Budget for 2016 is hereby amended by the increases and decreases hereinafter stated for purposes of the Office of Corporation Counsel.

SECTION 2. The **Office of Corporation Counsel** requests an additional \$530,000 in Character 3 of the Consolidated County General Fund to cover expenses associated with covering the legal expenses relating to collective bargaining negotiations (\$100,000), and pending litigation matters on behalf of the Marion County Sheriff's Office, Marion County Information Service Agency, and the Marion County Prosecutor's Office (\$430,000).

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>TOTAL</u>
Consolidated County General			530,000		530,000

SECTION 3. Upon approval of this, and other pending approvals, the 2016 year end and projected 2017 year end fund balances are as follows:

	Projected 2016 year-end balance	Projected 2017 year-end balance
Consolidated County General	3,989,851	1,701,102

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 353, 2016. Councillors Robinson, Osili, and Simpson reported that the Administration and Finance, Public Safety and Criminal Justice and Public Works Committees heard Proposal No. 353, 2016 on various meeting dates. The proposal, sponsored by Councillors Lewis, Gray, Oliver, Adamson and Simpson, authorizes the issuance and sale of general

obligation bonds of the Consolidated City in an amount not to exceed \$23,800,000 to procure funds to be applied to the costs of financing certain projects, together with expenses in connection with the issuance of the bonds, and other related matters. By unanimous votes, the Committees reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Freeman said that he respects his colleagues, but this is an agreement to continue bonds that should expire to the benefit of taxpayers. He said that closing a fire house in Franklin Township with no serious discussion in a public way is a travesty, and although he will no longer be here, this may happen to another Councillor in their district down the road, and it is not the way this body should conduct themselves.

The President called for public testimony at 8:03 p.m. There being no one present to testify, Councillor Simpson moved, seconded by Councillor Jackson, for adoption. Proposal No. 353, 2016 was adopted on the following roll call vote; viz:

19 YEAS: Clay, Coats, Cordi, Evans, Fanning, Gray, Jackson, Johnson, Kreider, Lewis, Mascari, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
3 NAYS: Freeman, Holliday, McHenry
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 353, 2016 was retitled SPECIAL ORDINANCE NO. 5, 2016, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 2016

A SPECIAL ORDINANCE of the City of Indianapolis and Marion County, Indiana, authorizing the issuance and sale of general obligation bonds of the Consolidated City to procure funds to be applied to the costs of financing certain projects, together with expenses in connection with the issuance of the bonds, and other related matters.

WHEREAS, the Consolidated City of Indianapolis, Indiana, as such term is defined in Indiana Code 36-3-1-4 (the "Consolidated City"), has, through the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council"), determined that it is necessary and desirable to proceed with the acquisition, construction, installation, equipping and/or financing of all or a portion of the following projects (collectively, the "Projects"):

- A. The purchase of solid waste equipment, as more particularly described in Exhibit A, attached hereto and made a part hereof, for approximately \$1,410,000;
- B. The purchase of certain police vehicles, as more particularly described in Exhibit B, attached hereto and made a part hereof, for approximately \$5,300,000;
- C. The purchase of a back-up generator for the City-County Building and repairs to certain city- or county-owned facilities, as more particularly described in Exhibit C, attached hereto and made a part hereof, for approximately \$2,000,000;
- D. The purchase of voting machines, as more particularly described in Exhibit D, attached hereto and made a part hereof, for approximately \$3,400,000 (the "Voting Machine Project");
- E. The construction of firehouse buildings, as more particularly described in Exhibit E, attached hereto and made a part hereof, for approximately \$8,000,000; and
- F. The purchase of fire apparatus, as more particularly described in Exhibit F, attached hereto and made a part hereof, for approximately \$3,000,000 (the Projects described in subparagraph E and F above, collectively, the "Fire Projects"); and

WHEREAS, the City-County Council now determines that it will be necessary and desirable and will be of general benefit to the residents of the Consolidated City to issue general obligation bonds of the Consolidated City, in one or more series, in an aggregate principal amount not to exceed Twenty-Three Million Eight Hundred Thousand Dollars (\$23,800,000), payable from an ad valorem property tax to be levied upon all of the taxable property located within the Consolidated City (provided, however, that (a) the debt service due on such bonds allocable to the Voting Machine Project shall be further payable from amounts held in the Marion County Cumulative Capital Development Fund established pursuant to Indiana Code 6-1.1-41 and Indiana Code 36-9-14.5 (the "County Cumulative Fund"), and (b) the debt service due on such bonds allocable to the Fire Projects shall be further payable from amounts held in the Consolidated City's Cumulative Firefighting Building and Equipment Fund established pursuant to Indiana Code 6-1.1-41 and Indiana Code 36-8-14 (the "Cumulative Fire Fund"), all as further described in Section 11 hereof), to finance the

costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor; and

WHEREAS, Indiana Code 6-1.1-20-3.1 requires that a hearing be held for the purpose of receiving public input prior to considering the adoption of an ordinance making a preliminary determination to issue general obligation bonds for purposes of financing the costs of all or a portion of the Projects, and notice of the hearing was published in the Indianapolis Star and the Court & Commercial Record on November 4, 2016, and a copy of such notice has also been mailed to the Marion County Circuit Court Clerk; and

WHEREAS, the public hearing was held on November 14, 2016, by the City-County Council, in accordance with the provisions of Indiana Code 6-1.1-20-3.1(b)(1) and Indiana Code 36-3-4-13(a) and public input was received concerning the Projects; and

WHEREAS, the City-County Council has concluded, following the public hearing described above, that the Projects and the issuance of general obligation bonds of the Consolidated City for the purposes of financing the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor, are necessary and desirable, are authorized by Indiana Code 36-3-4-21, and will be of general benefit to the Consolidated City and its citizens; and

WHEREAS, the Consolidated City does not have sufficient funds available or provided for in the existing budgets or tax levies to be applied to the payment of the costs of the Projects proposed to be financed from the proceeds of the bonds described herein, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor, making it necessary for the Consolidated City to issue such bonds to finance all or a portion of the Projects, and the making of the additional appropriation set out herein is necessary and appropriate; and

WHEREAS, the Controller of the Consolidated City has caused notice of a hearing on said appropriation to be published as required by law, and such public hearing was held on said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby determines that this Ordinance shall constitute the preliminary determination of the Consolidated City required by Indiana Code 6-1.1-20-3.1(b)(1) to issue the bonds described herein pursuant to Indiana Code 36-3-4-21, payable from an ad valorem property tax to be levied upon all of the taxable property located within the Consolidated City (provided, however, that (a) the debt service due on such bonds allocable to the Voting Machine Project shall be further payable from amounts held in the County Cumulative Fund, and (b) the debt service due on such bonds allocable to the Fire Projects shall be further payable from amounts held in the Cumulative Fire Fund, all as further described in Section 11 hereof), for purposes of financing the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor. The City-County Council hereby authorizes and directs the proper officers of the Consolidated City, in conjunction with counsel, to give such notice as required by the provisions of Indiana Code 6-1.1-20-3.1(b)(2) and (b)(3) of the preliminary determination to issue bonds for purposes of financing the costs of all or a portion of the Projects.

SECTION 2. The Consolidated City is hereby authorized to make a loan in an amount not to exceed Twenty-Three Million Eight Hundred Thousand Dollars (\$23,800,000) for the purpose of providing funds to be applied to the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor.

SECTION 3. In order to procure the funds for such loan, the Controller of the Consolidated City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell one or more series of the negotiable general obligation bonds of the Consolidated City. Such Bonds shall be designated as "City of Indianapolis, Indiana, General Obligation Bonds, Series 2016" (with a separate letter designation for each series; and provided, that in the event a series of bonds is issued in a calendar year after calendar year 2016, the designation of such series of bonds shall be appropriately modified to reflect such calendar year of issuance), and shall be issued in an aggregate principal amount not to exceed Twenty-Three Million Eight Hundred Thousand Dollars (\$23,800,000) (the "Bonds"). The Bonds shall constitute a general obligation of the Consolidated City. The Consolidated City is authorized to levy an ad valorem

property tax on all of the taxable property located within the Consolidated City for the purpose of satisfying such general obligation, subject to the provisions of Section 11 hereof. The final aggregate principal amount of each series of the Bonds shall be certified by the Controller prior to the sale of such series of the Bonds in the Controller's Certificate (as hereinafter defined). The Controller's Certificate shall be conclusive for purposes of establishing the final aggregate principal amount of each series of the Bonds.

Each series of the Bonds shall be issued in fully registered form in denominations of (i) Five Thousand Dollars (\$5,000) or any integral multiple thereof, or (ii) One Hundred Thousand Dollars (\$100,000) or any integral multiple of Five Thousand Dollars (\$5,000) in excess thereof (e.g., \$100,000, or \$105,000, or \$110,000, etc.), with the final authorized denominations for each series of the Bonds to be set forth in the Controller's Certificate prior to the sale of such series of the Bonds. The Bonds shall be numbered consecutively from 16R-1 upwards (with a separate letter designation for each series; and provided, that in the event a series of the Bonds is issued in a calendar year after calendar year 2016, the first two digits of the Bond numbers for such series shall be appropriately modified to reflect the last two digits of the calendar year of issuance). The Bonds shall bear interest at a rate or rates not exceeding six percent (6.0%) per annum to the extent the interest on the applicable series of Bonds is tax-exempt for purposes of federal income taxation and (b) not exceeding seven percent (7.0%) per annum to the extent the interest on the applicable series of Bonds is taxable for purposes of federal income taxation (the exact rate or rates to be determined by private, negotiated sale to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"), as further described herein). The interest on the Bonds shall be payable semiannually on January 1 and July 1 of each year, commencing not earlier than July 1, 2017. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year. The Bonds shall mature and be payable on January 1 and/or July 1 of each year, commencing not earlier than January 1, 2019, and ending not later than January 1, 2038. The first interest payment date and the final principal maturity schedule for each series of the Bonds shall be certified by the Controller in the Controller's Certificate prior to the sale of such series of the Bonds.

SECTION 4. At the direction of the Controller, upon the advice of the Consolidated City's corporation counsel and financial advisor, the Bonds maturing on such dates as are set forth in the Controller's Certificate prior to the sale of each series of the Bonds shall be subject to redemption at the option of the Consolidated City, in whole or in part, upon at least thirty (30) days' written notice to the registered owner or owners of Bonds to be redeemed, on such dates as are set forth in the Controller's Certificate prior to the sale of such series of the Bonds, in order of maturity determined by the Controller and by lot within any such maturity or maturities, at a redemption price of one hundred percent (100%) of the principal amount thereof with a premium of not greater than two percent (2%) as set forth in the Controller's Certificate prior to the sale of such series of the Bonds, plus accrued interest to the redemption date.

Official notice of any such redemption shall be mailed by the Registrar and Paying Agent (as hereinafter defined) by first class mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of the proceedings for the redemption of any other Bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and, in case of partial redemption, the respective principal amounts) of the Bonds called for redemption. The place of redemption may be at the principal corporate trust office of the Registrar and Paying Agent or as otherwise determined by the Consolidated City. Interest on the Bonds (or portions thereof) so called for redemption shall cease to accrue on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Bonds (or portions thereof) are presented for payment. Any Bond redeemed in part may be exchanged for a Bond or Bonds of the same maturity in authorized denominations equal to the remaining principal amount thereof.

In addition to the foregoing notice, the Consolidated City may also direct that further notice of redemption of the Bonds be given, including, without limitation, and at the option of the Consolidated City, notice described in paragraph (a) below given by the Registrar and Paying Agent to the parties described in paragraphs (b) and (c) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

- (a) *If so directed by the Consolidated City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.*

- (b) *If so directed by the Consolidated City, each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.*
- (c) *If so directed by the Consolidated City, each such further notice shall be published one time in The Bond Buyer of New York, New York, or, if the Registrar believes such publication is impractical or unlikely to reach a substantial number of the holders of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least thirty (30) days prior to the date fixed for redemption.*

Upon the payment of the redemption price of the Bonds (or portions thereof) being redeemed and if so directed by the Consolidated City, each check or other transfer of funds issued for such purpose shall bear the CUSIP (if any) or bond number identifying, by issue and maturity, the Bonds (or portions thereof) being redeemed with the proceeds of such check or other transfer.

All or a portion of such series of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (the "Term Bonds") required to be made as set forth below. The Term Bonds shall have a stated maturity or maturities on January 1 and/or July 1 of the years determined by the Bond Bank.

In the event that the Bond Bank opts to aggregate certain Bonds into Term Bonds, such Term Bonds shall be subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to one hundred percent (100%) of the principal amount thereof, plus accrued interest to the redemption date, but without premium, on January 1 and/or July 1 of each year and in the principal amount corresponding to and consistent with the maturity schedule for the Bonds set forth in the Controller's Certificate.

The Registrar and Paying Agent shall credit against the current mandatory sinking fund requirement for a Term Bond of a particular maturity, any Bonds of such maturity delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and canceled by the Registrar and Paying Agent and not theretofore applied as a credit against any mandatory sinking fund requirement. Each Bond so delivered or purchased shall be credited by the Registrar and Paying Agent at one hundred percent (100%) of the principal amount thereof against the mandatory sinking fund redemption requirements for the applicable Term Bond in order of mandatory sinking fund redemption (or final maturity) dates determined by the Consolidated City, and the principal amount of such Term Bond to be redeemed on such mandatory sinking fund redemption dates by operation of the mandatory sinking fund requirements shall be reduced accordingly; provided, however, the Registrar and Paying Agent shall only credit Bonds against the mandatory sinking fund requirements to the extent such Bonds are received on or before forty-five (45) days preceding the applicable mandatory sinking fund redemption date.

The Registrar shall determine by lot (treating each Five Thousand Dollars (\$5,000) of principal amount of each Bond as a separate Bond for such purpose) the Bonds within a Term Bond of a particular maturity to be redeemed pursuant to the mandatory sinking fund redemption requirements on January 1 and/or July 1 of each year.

Notice of any such mandatory sinking fund redemption shall be given in the same manner as notice of optional redemption is required to be given pursuant to this Section 4. If Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

In the event any of the Bonds are issued as Term Bonds, the form of the Bond set forth in Section 7 of this Ordinance shall be modified accordingly.

Any reference to payment of principal on the Bonds shall include payment of scheduled mandatory sinking fund redemption payments described in this Section 4.

SECTION 5. A registrar and paying agent for the Bonds (the "Registrar" and the "Paying Agent," and in both such capacities, the "Registrar and Paying Agent") shall be appointed by the Controller, with such appointment to be reflected in the Controller's Certificate. The Registrar and Paying Agent shall be charged with and shall by appropriate agreement undertake the performance of all of the duties and responsibilities customarily associated with each such position, including, without limitation, the authentication of the Bonds. The Controller is further authorized and directed to enter into such agreements and understandings with the Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities in conformance with the terms of this Ordinance, and is authorized to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity,

with such fees to be paid from available funds of the Consolidated City. In the event the Bonds are registered in the name of any purchaser that does not object to such designation, the Controller is hereby authorized to serve as Registrar and Paying Agent for the Bonds.

The Registrar and Paying Agent, if not the Controller, may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the Controller and by first-class mail to each registered owner of Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the Controller. Such notice to the Controller may also be served personally or be sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the Controller, in which event the Controller may appoint a successor Registrar and Paying Agent. The Controller shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar and Paying Agent. Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Controller is hereby authorized to act on behalf of the Consolidated City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

The principal of and premium, if any, on the Bonds shall be payable at the principal office of the Registrar and Paying Agent for the Bonds. Interest on the Bonds shall be paid by check or draft mailed or delivered one (1) business day prior to such payment date to the registered owner thereof at the address as it appears on the registration books kept by the Registrar and Paying Agent as of the fifteenth day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Registrar and Paying Agent in writing by such registered owner. If payment of principal or interest is made to a Clearing Agency (as hereinafter defined), payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments so that such payments are received by the Clearing Agency by 2:30 p.m. (New York City time). All payments on the Bonds shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

The Bonds shall bear an original date which shall be the first day of the calendar month in which the Bonds are to be delivered (or the date of delivery of the Bonds if so designated by the Controller in the Controller's Certificate) (the "Original Date"), and each Bond shall also bear the date of its authentication. Bonds authenticated on or before the fifteenth day of the calendar month immediately preceding the first interest payment date shall be paid interest from the Original Date. Bonds authenticated after the fifteenth day of the calendar month immediately preceding the first interest payment date shall be paid interest from the interest payment date immediately preceding the date of authentication of such Bonds unless the Bonds are authenticated between the fifteenth day of the calendar month immediately preceding an interest payment date and the interest payment date, in which case interest thereon shall be paid from such interest payment date.

The Bonds may, in compliance with all applicable laws, be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the Consolidated City from time to time (the "Clearing Agency"). The Consolidated City and the Registrar may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds. During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Controller is authorized to enter into a Letter of Representations agreement with the Clearing Agency, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth herein.

Each Bond shall be transferable or exchangeable only upon the books of the Consolidated City kept for that purpose at the principal office of the Registrar and Paying Agent, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The Registrar and Paying Agent shall not be obligated to make any exchange or transfer of Bonds following the fifteenth day of the calendar month immediately preceding an interest payment date on the Bonds until such interest payment date. Bonds may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Consolidated City and the Registrar and Paying Agent may treat and consider the person in whose name such Bonds

November 14, 2016

are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the Consolidated City may execute and the Registrar and Paying Agent may authenticate a new Bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Consolidated City and the Registrar and Paying Agent, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Consolidated City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the Consolidated City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Bond shall have matured, instead of issuing a duplicate Bond, the Consolidated City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The Consolidated City and the Registrar and Paying Agent may charge the owner of such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the Consolidated City, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

SECTION 6. The Bonds shall be executed in the name of the Consolidated City by the manual or facsimile signature of the Mayor of the Consolidated City (the "Mayor"), countersigned by the manual or facsimile signature of the Controller, and attested by the manual or facsimile signature of the Clerk of the Consolidated City, who shall cause the official seal of the Consolidated City to be impressed or a facsimile thereof to be printed or otherwise reproduced on each of the Bonds. Subject to the provisions hereof for registration, the Bonds shall be negotiable under the laws of the State of Indiana.

The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar and Paying Agent, and no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Ordinance until the Certificate of Authentication on such Bond shall have been so executed.

SECTION 7. The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MARION

No. 16__R-__

\$ _____

CITY OF INDIANAPOLIS, INDIANA,
GENERAL OBLIGATION BOND, SERIES 2016__

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>	[CUSIP]
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Registered Owner:

Principal Sum:

The Consolidated City of Indianapolis (as such term is defined in Indiana Code 36-3-1-4), in the State of Indiana (the "Consolidated City"), for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner stated above, or registered assigns, the Principal Sum stated above, on the Maturity Date stated above, and to pay interest on said Principal Sum to the Registered Owner of this bond until the Consolidated City's obligation with respect to the payment of said Principal Sum shall be discharged, at the rate per annum specified above from the interest payment date immediately preceding the date of the authentication of this bond, unless this bond is authenticated on or before _____ 15, 201__, in which case the interest shall be paid from the Original Date stated above or unless this bond is authenticated between the fifteenth day of the calendar month immediately preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment

date. Interest shall be payable on _____ 1, 201____, and semiannually thereafter on January 1 and July 1 of each year. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The principal of and premium, if any, on this bond is payable at the principal office of _____, in _____, Indiana, as Registrar and Paying Agent (which term shall include any successor registrar and paying agent) (the "Registrar and Paying Agent"). Interest on this bond shall be paid by check or draft mailed or delivered one (1) business day prior to such payment date to the Registered Owner hereof at the address as it appears on the registration books kept by the Registrar and Paying Agent as of the fifteenth day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Registrar and Paying Agent in writing by the Registered Owner. Notwithstanding the foregoing, if payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. All payments on this bond shall be made in coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts. Subject to the provisions of the Ordinance (hereinafter defined) for registration, this bond is negotiable under the laws of the State of Indiana.

This bond is one of an authorized issue of bonds of the Consolidated City in the aggregate principal amount of _____ Dollars (\$_____), numbered consecutively from 16__R-1 upwards, issued pursuant to an ordinance (Ordinance No. _____) (the "Ordinance") adopted by the City-County Council of the City of Indianapolis, Indiana and of Marion County, Indiana on _____, 2016, to procure funds to be applied to the costs of [project description to be inserted], together with expenses incidental thereto, including capitalized interest on the bonds through _____ 1, 20____ and all expenses incurred in connection with or on account of the issuance of the bonds therefor. Reference is hereby made to the Ordinance for a description of the nature and extent of the rights, duties and obligations of the owners of the bonds and the Consolidated City and the terms on which this bond is issued, and to all the provisions of such Ordinance to which the holder hereof by the acceptance of this bond assents.

This bond and the bonds of this issue are payable from an ad valorem property tax to be levied upon all of the taxable property located within the Consolidated City (provided, however, that (a) the debt service due on such bonds allocable to the Voting Machine Project (as defined in the Ordinance) shall be further payable from amounts held in the Marion County Cumulative Capital Development Fund established pursuant to Indiana Code 6-1.1-41 and Indiana Code 36-9-14.5, and (b) the debt service due on such bonds allocable to the Fire Projects (as defined in the Ordinance) shall be further payable from amounts held in the Consolidated City's Cumulative Firefighting Building and Equipment Fund established pursuant to Indiana Code 6-1.1-41 and Indiana Code 36-8-14, all as further described in the Ordinance).

The bonds maturing in any one year are issuable only in fully registered form in denominations of _____ Dollars (\$_____) or integral multiples thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

[The bonds of this issue maturing on or after _____ 1, 20____ are subject to redemption prior to maturity, at the option of the Consolidated City, in whole or in part, on _____ 1, 20____, or at any time thereafter, in amounts and maturities determined by the Controller and by lot within any such maturity or maturities at a redemption price of _____, plus accrued interest to the redemption date.]

[Notice of any such redemption shall be sent by first class mail to the Registered Owner of this bond not more than sixty (60) and not less than thirty (30) days prior to the date fixed for redemption, unless such notice is waived by the Registered Owner; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any such bond will not affect the validity of any proceedings for redemption of any other such bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and in case of partial redemption, the respective principal amounts) of the bonds called for redemption. Interest on bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption to pay the redemption price on the redemption date or when presented for payment.]

[Prior to the date fixed for redemption, funds shall be deposited with the Paying Agent to pay, and the Paying Agent is hereby authorized and directed to apply such funds to the payment of the bonds or portions thereof called, together with accrued interest thereon to the redemption date and any required premium. No payment shall be made by the Paying Agent upon any bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by the Ordinance with respect to any mutilated, lost, stolen or destroyed bond.]

If this bond or a portion hereof shall have become due and payable in accordance with its terms or shall have been duly called for redemption or irrevocable instructions to call the bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of this bond or a portion hereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this bond or such portion hereof shall no longer be deemed outstanding or an indebtedness of the Consolidated City.

This bond is transferable or exchangeable only upon the books of the Consolidated City kept for that purpose at the principal office of the Registrar and Paying Agent by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Registrar and Paying Agent shall not be required to make any transfer or exchange of this bond following the fifteenth day of the calendar month immediately preceding an interest payment date on this bond until such interest payment date. The Consolidated City and the Registrar and Paying Agent may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the Consolidated City may execute and the Registrar and Paying Agent may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided, that in the case of this bond being mutilated, this bond shall first be surrendered to the Consolidated City and the Registrar and Paying Agent, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the Consolidated City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the Consolidated City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate bond, the Consolidated City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. The Consolidated City and the Registrar and Paying Agent may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the Consolidated City, whether or not this bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the Consolidated City and of the owners of the bonds may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least a majority in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the Consolidated City.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the Consolidated City and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the Consolidated City. Such notice to the Consolidated City may also be served personally or be sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the Consolidated City, in which event the Consolidated City may appoint a successor Registrar and Paying Agent. The Consolidated City shall cause the Registered Owner of this bond, if then outstanding, to be notified by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar and Paying Agent.

It is hereby certified and recited that all acts, conditions and things required by law and the Constitution of the State of Indiana to be done precedent to and in the execution, issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as prescribed by law, and that the total indebtedness of the Consolidated City, including the bonds of this issue, does not exceed any constitutional or statutory limitation of indebtedness.

Journal of the City-County Council

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance authorizing this bond until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar and Paying Agent.

IN WITNESS WHEREOF, the City of Indianapolis, Indiana and Marion County, Indiana have caused this bond to be executed in the name of said Consolidated City, by the manual or facsimile signature of the Mayor of said City, countersigned by the manual or facsimile signature of the Controller of said Consolidated City, and attested by the manual or facsimile signature of the Clerk of said Consolidated City, who has caused the official corporate seal of said Consolidated City to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

CONSOLIDATED CITY OF INDIANAPOLIS, INDIANA

By: _____
Mayor

Countersigned:

By: _____
Controller

(Seal)
ATTEST:

Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinance.

_____,
as Registrar and Paying Agent

By: _____
Authorized Representative

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

(Insert name and address of transferee)
this bond and all rights hereunder and hereby irrevocably constitutes and appoints _____, attorney, to transfer this bond on the books kept for the registration hereof with full power of substitution in the premises.

Date: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Bond Form]

SECTION 8. The Bonds shall be sold to the Bond Bank, with a maximum discount of three percent (3%) of the par amount of the Bonds, in such denomination or denominations as the Bond Bank may request, and pursuant to a purchase agreement (the "Purchase Agreement") between the Consolidated City and the Bond Bank, hereby authorized to be entered into and executed by the Mayor on behalf of the Consolidated City, and attested by the Controller,

subsequent to the date of the adoption of this Ordinance. Such Purchase Agreement may set forth the definitive terms and conditions for such sale, but all of such terms and conditions must be consistent with the terms and conditions of this Ordinance, including, without limitation, the interest rate or rates on the Bonds which shall not exceed the maximum rate of interest for the Bonds authorized pursuant to this Ordinance. Bonds sold to the Bond Bank shall be accompanied by all documentation required by the Bond Bank pursuant to the provisions of Indiana Code 5-1.4 and the Purchase Agreement, including, without limitation, an approving opinion of nationally recognized bond counsel, certification and guarantee of signatures and certification as to no litigation pending, as of the date of delivery of the Bonds to the Bond Bank, challenging the validity or issuance of the Bonds. The entry by the Consolidated City into the Purchase Agreement, and the execution and delivery of the Purchase Agreement on behalf of the Consolidated City by the Mayor in accordance with this Ordinance, are hereby authorized and approved.

Prior to the delivery of the Bonds, the Controller shall be authorized to obtain a legal opinion as to the validity of the Bonds from Faegre Baker Daniels LLP, bond counsel, of Indianapolis, Indiana, and to furnish such opinion to the purchaser or purchasers of the Bonds. The cost of such opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Bonds.

If the financial advisor of the Consolidated City certifies to the Consolidated City that it would be economically advantageous for the Consolidated City to acquire a municipal bond insurance policy or other credit enhancement for the Bonds, the Consolidated City hereby authorizes the Mayor and the Controller to take all such actions as may be necessary or appropriate to obtain such an insurance policy or other credit enhancement. The acquisition of a municipal bond insurance policy or other credit enhancement is hereby deemed economically advantageous if the difference between the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance or other credit enhancement and (b) the total debt service on the Bonds if issued with municipal bond insurance or other credit enhancement, is greater than the cost of the premium on the municipal bond insurance policy or cost of such other credit enhancement. If deemed economically advantageous as described in this paragraph, the cost of the premium for such municipal bond insurance policy or cost of such other credit enhancement shall be deemed as a proper cost of issuance of the Bonds. The Mayor and the Controller, with the advice of the financial advisor for the Consolidated City, are further authorized to take such actions as may be necessary or appropriate to procure a credit rating or ratings on the Bonds from one or more nationally recognized securities rating agencies.

SECTION 9. The Consolidated City hereby authorizes and directs the Mayor, the Controller, the Clerk of the Consolidated City and the members and officers of the Consolidated City, and each of them, to execute and deliver any and all other instruments, letters, certificates, agreements and documents as the official executing the same determines is necessary or appropriate to consummate the transactions contemplated by this Ordinance, and such determination shall be conclusively evidenced by the execution thereof. The instruments, letters, certificates, agreements and documents, including the Bonds, necessary or appropriate to consummate the transactions contemplated by this Ordinance shall, upon execution, as contemplated herein, constitute the valid and binding obligations or representations and warranties of the Consolidated City, the full performance and satisfaction of which by the Consolidated City is hereby authorized and directed.

SECTION 10. The Mayor is hereby authorized to execute the Bonds with his manual or facsimile signature, the Controller is hereby authorized and directed to have such Bonds prepared and to countersign such Bonds, and the Clerk of the Consolidated City is hereby authorized to attest the Bonds with such officer's manual or facsimile signature and cause the seal of the Consolidated City to be impressed or a facsimile thereof to be printed or otherwise reproduced on the Bonds, all in the form and manner herein provided. In case any officer whose signature appears on the Bonds shall cease to hold that office before the delivery of the Bonds, the signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the Bonds. After the Bonds have been properly executed, the Controller shall deliver the Bonds to the purchaser or purchasers in the manner provided by law. Upon delivery of the Bonds, the accrued interest, if any, on the Bonds received at the time of such delivery shall be deposited in the City of Indianapolis, Indiana, Bond Fund (the "Bond Fund"), and the portion of the proceeds of the Bonds representing capitalized interest, if any, shall be deposited in a Capitalized Interest Account.

SECTION 11.

a. The Consolidated City agrees to levy to the extent necessary after giving effect to the provisions of this Section 11, in each calendar year, an ad valorem property tax upon all of the taxable property located within the Consolidated City in a total amount sufficient to pay the principal of and interest on the Bonds in the twelve (12)-month period commencing on January 2 of the following calendar year. In order to establish a levy and collect such a tax, the Consolidated City shall develop a budget in August of each year to submit to the Indiana Department of Local Government Finance (or to any successor thereof) for approval of a tax rate to apply in the following year. Tax distributions received by the Consolidated City in that following year on or about June 30 and December 31 shall be

deposited into the Bond Fund and, to the extent necessary, shall be used to pay the following respective July 1 and January 1 debt service payments on the Bonds.

b. The Consolidated City shall use amounts in the County Cumulative Fund to pay a portion of the debt service on the Bonds properly allocable to the Voting Machine Project. To the extent that, during the development of the budget described in paragraph (a) above, it is determined that the annual tax levy for the County Cumulative Fund for such following year will be in place and sufficient to pay such allocable portion of the principal of and interest on the Bonds in the twelve (12)-month period commencing on January 2 of such following year, the Consolidated City shall not be required to levy an ad valorem property tax for such year to such extent.

c. The Consolidated City shall use amounts in the Fire Cumulative Fund to pay a portion of the debt service on the Bonds properly allocable to the Fire Projects. To the extent that, during the development of the budget described in paragraph (a) above, it is determined that the annual tax levy for the Fire Cumulative Fund for such following year will be in place and sufficient to pay such allocable portion of the principal of and interest on the Bonds in the twelve (12)-month period commencing on January 2 of such following year, the Consolidated City shall not be required to levy an ad valorem property tax for such year to such extent.

d. At the time of the issuance of any series of the Bonds, the Controller, based upon the advice of the financial advisor of the Consolidated City, shall execute a certificate setting forth the allocations of debt service described in paragraphs (c) and (d) above.

SECTION 12. In order to preserve the excludability from gross income of interest on the Bonds under federal law and as an inducement to the purchasers of the Bonds, the Consolidated City represents, covenants and agrees that, to the extent necessary to preserve such excludability:

a. The Consolidated City shall satisfy either subparagraph (i) or (ii) of this Section 12(a) (or both).

- i. No person or entity or any combination thereof, other than the Consolidated City or any other governmental unit ("Governmental Unit") within the meaning of Section 141(b)(6) and Section 150(a)(2) of the Internal Revenue Code of 1986, as amended and as in effect on the date of delivery of the Bonds (the "Code"), will use more than ten percent (10%) of the proceeds of the Bonds or property financed by said proceeds other than as a member of the general public. Not more than five percent (5%) of the proceeds of the Bonds are to be used (i) for any private business use that is unrelated to the governmental use of the proceeds or (ii) for a related private business use that is disproportionate to the governmental use of such proceeds within the meaning of Section 141(b)(3)(B) of the Code. No person or entity or any combination thereof, other than the Consolidated City or another Governmental Unit, will own property financed by more than ten percent (10%) of the Bond proceeds or will have actual or beneficial use of more than ten percent (10%) of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large of such property, except pursuant to a management or similar contract which satisfies the requirements of IRS Revenue Procedure 97-13.*
- ii. Not more than ten percent (10%) of the principal of or interest on the Bonds (under the terms of the Bonds, this Ordinance or any underlying arrangement) is secured, directly or indirectly, by an interest in property used or to be used for any private business use or payments in respect of such property or to be derived from payments (whether or not to the Consolidated City) in respect of such property or borrowed money used or to be used for a private business use.*

b. No Bond proceeds will be loaned to any entity or person. No Bond proceeds will be transferred directly, or indirectly transferred or deemed transferred, to a person other than a Governmental Unit in a fashion that would in substance constitute a loan of said Bond proceeds.

c. The Consolidated City will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the excludability from gross income for federal tax purposes of interest on the Bonds pursuant to Section 103(a) of the Code, nor will the Consolidated City act in any manner or permit any actions by officers or officials of the Consolidated City that would in any manner adversely affect such excludability. The Consolidated City further covenants that it will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds. The Consolidated City shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable.

d. All officers, members, employees and agents of the Consolidated City are authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the Consolidated City as of the date the Bonds are issued and to enter into covenants on behalf of the Consolidated City evidencing the Consolidated City's commitments made herein. In particular, all or any officers, members, employees and agents of the Consolidated City are authorized to certify and/or enter into covenants for the Consolidated City regarding the facts and circumstances and reasonable expectations of the Consolidated City on the date the Bonds are issued and the commitments made by the Consolidated City herein regarding the amount and use of the proceeds of the Bonds.

SECTION 13. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance (the "Tax Sections") which are designed to preserve the excludability of interest on the Bonds from gross income under federal law (the "Tax Exemption") need not be complied with if the Consolidated City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption. In addition, the Consolidated City is authorized to issue one or more series of Bonds, the interest on which is not excludable from gross income under federal law, in which case the Tax Sections of this Ordinance shall not apply to such series of Bonds.

SECTION 14. If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case the Bonds or such portion thereof issued hereunder shall no longer be deemed outstanding or an indebtedness of the Consolidated City.

SECTION 15. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 16. All resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, and this Ordinance shall be in immediate effect from and after its adoption.

SECTION 17. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the city or town in which the Registrar and Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 18. The City-County Council may, without the consent of, or notice to, any of the owners of the Bonds, adopt a supplemental ordinance for any one or more of the following purposes:

- a) *To cure any ambiguity or formal defect or omission in this Ordinance;*
- b) *To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds, or to make any change which, in the judgment of the Consolidated City, is not to the prejudice of the owners of the Bonds;*
- c) *To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America;*
- d) *To provide for the refunding or advance refunding of the Bonds;*
- e) *To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds; and*
- f) *Any other purpose which in the judgment of the Consolidated City does not adversely impact the interests of the owners of the Bonds.*

SECTION 19. This Ordinance, and the rights and obligations of the Consolidated City and the owners of the Bonds may be modified or amended at any time by supplemental ordinances adopted by the City-County Council with the

consent of the owners of the Bonds holding at least a majority in aggregate principal amount of the outstanding Bonds (exclusive of Bonds, if any, owned by the Consolidated City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Bonds affected, reduce the principal amount of any Bond, reduce the redemption premium, if any, or interest rate payable thereon, advance the earliest redemption date, extend its maturity or mandatory sinking fund redemption or the times for paying interest thereon, permit a privilege or priority of any Bond or Bonds over any other Bond or Bonds, create a lien securing any Bonds other than a lien ratably securing all of the Bonds outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds and shall not be deemed an infringement of any of the provisions of this Ordinance, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the Consolidated City or any officer thereof from taking any action pursuant thereto.

If the Consolidated City shall desire to obtain any such consent, it shall cause the Registrar and Paying Agent to mail a notice, postage prepaid, to the respective owners of the Bonds at their addresses appearing on the registration books held by the Registrar and Paying Agent. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar and Paying Agent for inspection by all owners of the Bonds. The Registrar and Paying Agent shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail the notice described in this Section 19, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 19.

Whenever at any time after the date of the mailing of such notice, the Consolidated City shall receive an instrument or instruments purporting to be executed by the owners of the Bonds of not less than a majority in aggregate principal amount of the Bonds then outstanding (exclusive of Bonds, if any, owned by the Consolidated City), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar and Paying Agent, thereupon, but not otherwise, the Consolidated City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 19, this Ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in this Ordinance to the contrary, the rights and obligations of the Consolidated City and of the owners of the Bonds authorized by this Ordinance, and the terms and provisions of the Bonds and this Ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the Consolidated City and the consent of the owners of all the Bonds then outstanding.

SECTION 20. The Controller shall, prior to the sale of each series of the Bonds, set forth in a certificate (the "Controller's Certificate") the amount and maturities of such series of the Bonds, the first interest payment date of such series of the Bonds, the percentage of par at which such series of the Bonds shall be sold and all other matters required by this Ordinance to be provided in the Controller's Certificate.

SECTION 21. The proceeds derived from the sale of the Bonds heretofore authorized to be issued and all investment earnings thereon shall be and the same are hereby appropriated to provide financing for all or a portion of the Projects, together with expenses incurred in connection therewith, including capitalized interest, if any, and the costs of the issuance of the Bonds, all of which is not provided for in the existing budget and tax levy. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy and shall continue in effect until the completion of the activities described above. Any surplus of such proceeds (including investment earnings thereon) shall be credited to the proper fund as provided by law. The Controller shall be, and hereby is, authorized and directed to certify a copy of this Ordinance together with such other proceedings and actions as may be necessary to the Indiana Department of Local Government Finance.

SECTION 22. The City-County Council hereby authorizes and ratifies the publication (and posting, as applicable) in accordance with Indiana law of (a) the notice of public hearing on the preliminary determination to issue the Bonds, (b)

the notice of public hearing regarding the proposed additional appropriation of the proceeds of the Bonds, and (c) the notice of the decision to issue bonds in excess of Five Thousand Dollars (\$5,000) pursuant to Indiana Code 6-1.1-20-5.

SECTION 23. This Special Ordinance shall be in full force and effect from and after its adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 359, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 359, 2016 on October 26, 2016. The proposal, sponsored by Councillor Robinson, approves an additional appropriation of \$377,348 in the 2016 Budget of the Public Defender Agency (County General Fund) to reimburse the agency for death penalty and life without parole public defense. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Robinson moved, seconded by Councillor Oliver, for adoption. Proposal No. 359, 2016 was adopted on the following roll call vote; viz:

21 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
1 NAY: Holliday
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 359, 2016 was retitled FISCAL ORDINANCE NO. 30, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 36, 2015) by appropriating a total of Three Hundred Seventy Seven Thousand Three Hundred Forty Eight dollars (\$377,348) for purposes of the Marion County Public Defender Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2016 is hereby amended by the increases hereinafter stated for purposes of the Marion County Public Defender Agency.

SECTION 2. The Marion County Public Defender Agency, requests additional appropriations in the County General Fund to reimburse the Agency for death penalty and life without parole public defense. The following changes to appropriations are hereby approved:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	TOTAL
County General Fund			377,348		377,348

SECTION 3. Upon approval of this, and other pending approvals, the 2016 year end and projected 2017 year end fund balances are as follows:

	Projected 2016 year-end balance	Projected 2017 year-end balance
County General Fund	1,260,351	4,891,814

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 361, 2016. In Chair Adamson's absence, Councillor Osili reported that the Public Works Committee heard Proposal No. 361, 2016 on November 3, 2016. The proposal, sponsored by Councillor Adamson, authorizes a transfer of \$1,170,000 and appropriates an

additional \$2,708,000 in the 2016 Budget of the Department of Public Works (Consolidated County, Transportation General, Parks General, and Solid Waste Disposal Funds) to cover vehicle maintenance and equipment, Safer Routes to School program supplies, additional mowing cycles, and to meet solid waste contractual obligations. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Osili moved, seconded by Councillor Evans, for adoption. Proposal No. 361, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
0 NAYS:
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 361, 2016 was retitled FISCAL ORDINANCE NO. 31, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 36, 2015) by transferring One Million One Hundred Seventy Thousand dollars (\$1,170,000) and appropriating an additional Two Million Seven Hundred Thousand Eight dollars (\$2,708,000) for purposes of the Department of Public Works.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2016 is hereby amended to reflect transfers and additional appropriations hereinafter stated for purposes of the Department of Public Works.

SECTION 2. Transfers \$1,115,000 from character two to character three and four for increased fleet maintenance costs and capital equipment replacements. The following transfer is hereby approved:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Consolidated County – Fleet Services		(1,115,000)	1,100,000	15,000		0

SECTION 3. Transfers \$15,000 from character four to character two for Safer Routes to School program supplies funded by a grant from the Indiana Department of Transportation. The following transfer is hereby approved:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Transportation General – Local Road and Street		15,000		(15,000)		0

SECTION 4. Transfers \$40,000 from character four to character three for additional mowing cycles due to heavy rains. The following transfer is hereby approved:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Parks General			40,000	(40,000)		0

SECTION 5. Additional appropriations of \$2,708,000 to meet solid waste contractual obligations. The following additional appropriation is hereby approved:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Solid Waste Disposal			2,708,000			2,708,000

SECTION 6. Upon approval of this, and other pending approvals, the 2016 year end and projected 2017 year end fund balances are as follows:

Fund	Projected 2016 year-end balance	Projected 2017 year-end balance
Consolidated County – Fleet Services	1,044,493	636,198
Transportation General	10,591,637	6,951,144
Parks General	1,939,942	1,584,984
Solid Waste Disposal	1,159,521	118,280

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 248, 2016. Councillor Johnson reported that the Rules and Public Policy Committee heard Proposal No. 248, 2016 on August 9, October 18, and November 1, 2016. The proposal, sponsored by Councillors Lewis, Evans, Ray and Robinson, amends the Code by adding a new chapter regarding wage enforcement. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Johnson moved, seconded by Councillor Osili, for adoption. Proposal No. 248, 2016 was adopted on the following roll call vote; viz:

20 YEAS: *Clay, Coats, Cordi, Evans, Fanning, Gray, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson*
 2 NAYS: *Freeman, Holliday*
 3 ABSENT: *Adamson, Ray, Sandlin*

Proposal No. 248, 2016 was retitled GENERAL ORDINANCE NO. 64, 2016, and reads as follows:

CITY COUNTY GENERAL ORDINANCE NO. 64, 2016

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adding a new chapter regarding wage enforcement.

WHEREAS, the City has an interest in ensuring that workers in the City, particularly people working on City-supported projects, are paid in compliance with all federal, state, and local laws; and

WHEREAS, a study by the National Employment Law Project found that some amount of pay is illegally withheld, routinely, from the paychecks of over sixty percent of low-wage workers in major cities across the United States; and

WHEREAS, payroll fraud refers to when a business conceals its true tax or other financial liability to a government agency, most commonly by misclassifying employees or paying for business transactions in cash without keeping appropriate records; and

WHEREAS, wage theft means not properly paying workers for all work performed, most commonly by paying less than minimum wage, not paying for all hours worked, or failing to pay overtime, in violation of local, state, or federal law; and

WHEREAS, in 2015, the Governor of Indiana signed into law HEA 1469, which provides that an employer who fails to make a timely payment of wages or withholds wages shall: pay the wages due, shall pay a reasonable fee for the plaintiff's attorney, and shall pay court costs; and

WHEREAS, HEA 1469 states further that if a court finds that the failure to pay the employee was not in good faith, the court shall order that the employee be paid an amount equal to two times the amount of wages due the employee as liquidation damages; and

WHEREAS, when employers in the City commit this type of wage theft or payroll fraud, their illegal activity costs the City income tax revenue, negatively impacting the City's ability to pay for basic services; and

WHEREAS, the City has an interest in ensuring that all workers participating in City agreements are paid their full and due wages in a timely manner; and

WHEREAS, the Council and City also have an interest in ensuring that all workers dealing with any City project where there are grants, incentives, or other benefits, are paid their full and due wages in a timely manner; and

WHEREAS, it is the intent of the City and the Council to take all possible action to recover any incentives that were offered to parties doing business with the City or to discontinue business with those parties if they are found to have committed wage theft or payroll fraud; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding a new Chapter 272, to read as follows:

Chapter 272 - WAGE ENFORCEMENT

Sec. 272-101. Legislative Intent and Purpose.

It is the purpose of this chapter to ensure that City service contracts and City development incentives comply with state and federal wage and payroll laws as specified herein. It is also the intent of this chapter to recover incentives or to discontinue business with entities that violate those laws. Where there are violations of those state and federal wage and payroll laws on City-supported developments, this chapter communicates to parties receiving incentives from the City that if they or their contractors violate wage or payroll laws, the City intends to recoup its investment to the extent allowed under the laws and regulations governing those City-sponsored incentives.

Sec. 272-102. Definitions.

For purposes of this chapter, the following terms shall have the meanings ascribed to them in this section.

Adverse Determination means any adjudicated complaint of wage theft or fraud as determined by the investigating Federal or State department or agency, or applicable court of law, where the accused person or vendor has been found to have violated that law.

Agreement means any service contract entered into by the City as allowed or required under I.C. 5-22 or any contract between a City department or agency, including but not limited to the Department of Metropolitan Development (DMD) or the Metropolitan Development Commission (MDC), and a person where an incentive or benefit has been or will be provided that is projected to exceed \$25,000.

The City's construction, expansion or modification of a public infrastructure improvement benefiting a project shall not be included in calculating the total value of an economic incentive or benefit for purposes of this definition.

Contractor means the individual, partnership, corporation, association or other entity that is leading the construction or provision of goods or services on a development site on behalf of the person.

Complaint shall mean a report submitted to the U.S. Department of Labor, the Indiana Department of Labor, or another body with authority to investigate and adjudicate such reports, which comes to the attention of the City. Any allegation of a violation shall not be considered a complaint until it has been filed with the appropriate federal or state department or agency.

Development site means the property that is the subject of a DMD or MDC Agreement or on which a contractual undertaking is to be performed.

Incentive or Benefit means the transfer of funds or other valuable personal or real property resulting from the affirmative resolution or decision of a City department or agency or transferring funds or other property controlled by the City, including but not limited to the following:

- (a) property tax abatements;
- (b) bond sale proceeds;
- (c) loans or loan guarantees;
- (d) any conveyance of land for less than fair market value; or
- (e) grants or loans or pledges of tax increment funds.

Payroll fraud shall mean concealing a person's true tax or other financial liability to a government agency from government licensing, regulatory, or taxing agencies through tax evasion or fraud; misclassification of employees; the unreported or underreported payment of wages; paying a business transaction in cash without keeping appropriate records of reporting and withholding; or any other means.

Person means any individual, partnership, corporation, firm, trust, association or other business entity that enters into an Agreement with the City.

Subcontractor means any person who enters into a contract with a contractor to perform work on the development site or work pursuant to, related to, or in furtherance of an agreement.

Wage theft means a violation of the Indiana Prompt Pay Statute, IC 22-2-5; the Indiana Wage Claims Statute, IC 22-2-9; the Indiana Minimum Wage Statute, IC 22-2-2; any federal statute or regulation comparable to the aforementioned Indiana statutes; any statute or regulation of another state that may apply to a particular Agreement; or any successor to any of these laws or regulations.

Sec. 272-103. Reporting Wage Theft and Payroll Fraud.

(a) Any person entering into an Agreement shall include provisions in solicitations and contracts that require all contractors or incentive recipients to provide the City with a sworn statement as to whether there has been any adverse determination against the Contractor or incentive recipient within the preceding 3-year period.

(b) Any person entering into a development Agreement shall require that any contractor or subcontractor performing work or proposing to perform work on a development site provide a sworn statement whether there has been an adverse determination rendered against that contractor or subcontractor in the preceding 3-year period.

(c) Any person entering an Agreement shall include provisions in solicitations and contracts regarding the development site that require all contractors, subcontractors and employers to provide that person with an updated sworn statement within 30 days of any adverse determination rendered against the entity.

(d) Any person who has entered an Agreement with the City, the term of which is not expired, shall report to the City in a sworn statement any complaint of wage theft or payroll fraud against the person or any of its contractor or subcontractors.

(e) All such sworn statements shall be submitted to the City within 30 days of receipt by the person who entered into the Agreement.

Sec. 272-104. Contract or Agreement Language.

All Agreements subject to this chapter shall contain the following two paragraphs or substantially similar language:

- (a) This contract is or may be subject to the Wage Enforcement provisions of the Revised Code of the Consolidated City of Indianapolis and Marion County. These provisions require that any person who has a service contract or economic development Agreement with the City or with a contractor or subcontractor of that person shall report all complaints or adverse determinations of Wage Theft and Payroll Fraud (as defined in Chapter 272 of the Revised Code) against the person, contractor or subcontractors to the office of finance and management within 30 days of notification of the complaint or adverse determination.

- (b) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this Agreement or reduce the incentives or subsidies to be provided under this Agreement and to seek other remedies.

The omission of this language in any Agreement shall not constitute a waiver of this chapter's requirements or of any other legal requirement with respect to such Agreement, the development site, or any contractor or subcontractor.

Sec. 272-105. Wage Theft Monitoring, Investigation and Compliance.

- (a) The office of finance and management may develop policies and procedures for the following:

- 1) Review of Agreements to ensure that language required by this chapter is included.
- 2) Monitoring of Agreements to ensure compliance with this chapter, including referring complaints to an appropriate agency for investigation for any complaints about the practices of any person, contractor or subcontractor relating to the provisions of this chapter.

(b) Whenever the City receives a copy of a complaint against a person or the person's contractor or subcontractor for wage theft or payroll fraud with respect to any work done on a development site:

- 1) The City will provide a written notice to the person stating that, if an adverse determination is rendered against the person or the person's contractor or subcontractor by the appropriate state or federal agency, or court of law, the City will pursue any available legal, contractual or equitable remedies, which may include without limitation any or all of the penalties listed in subsections (c) and (d) of this section. The notice also will state that the person or contractor may provide the City with information showing that the adverse determination is under review, contested, or appealed.
- 2) The City will attempt to take action as described above within 30 days of the City's receipt of the complaint.
- 3) The City controller or designee reserves the right to investigate an adverse determination that has not been reported within 30 days as required by section 272-103 and to take appropriate action.

(c) Whenever any adverse determination is rendered against a Contractor with respect to any services provided to the City or a person or the person's contractor with respect to any work done on a development site, or, if the adverse determination is appealed, then whenever the final decision on appeal confirms the adverse determination, the City will pursue any available legal, contractual or equitable remedies, which may include without limitation any or all of the following remedies whether or not provided for in the Agreement:

For a Service Contract:

- 1) If the violation is by the Contractor, termination of the service Agreement or deeming the Contractor ineligible for future Agreements.
- 2) If the violation is by a Subcontractor, notification to the Contractor that the City may terminate the Agreement if the Subcontractor remains or violates the Wage Theft or Payroll Fraud laws in the future, or that the Subcontractor will be deemed ineligible for work on City Agreements or as a Subcontractor on any City Service Agreements.

For DMD or MDC Incentive or Benefit Agreements.

- 1) Termination of the Agreement with the Developer or the incentive/benefit recipient and/or unilateral reduction of the incentive or benefit that was provided under the Agreement up to 100% of the yet to be provided incentive or benefit;
- 2) Deeming the person or the person's contractor (whoever is the recipient of the adverse determination) ineligible for future Agreements (or work on future Agreements) or other contracts with the City;
- 3) Debarment of the person or the person's contractor (whoever is the recipient of the adverse determination) from future Agreements or other contracts with the City; and/or
- 4) Informing the relevant City departments of the adverse determination in order to determine if further action is necessary or available.

(d) Whenever any adverse determination is rendered against the subcontractor of a developer or incentive/benefit recipient, the City will pursue any of the following remedies whether or not provided for in the Agreement:

- 1) Notification to the Incentive or Benefit recipient, the Contractor, and the Subcontractor that the City may terminate the Agreement if the Subcontractor remains or violates the Wage Theft or Payroll Fraud laws in the future, or the City may unilaterally reduce the incentive or benefit to be provided under the Agreement by up to 100% of the yet to be paid or provided incentive or benefit;
- 2) Deem the subcontractor ineligible for future Agreements or other contracts with the City;
- 3) Debarment of the subcontractor from future Agreements or other contracts with the City; and
- 4) Informing the relevant City departments in order to determine if further action is necessary or available.

(e) Any remedies available to the City under this section are in addition to, and not in replacement of, any remedies available to the City under an Agreement or otherwise. The pursuit of any remedy or remedies by the City shall not exclude the City's pursuit of any other remedy or remedies.

(f) The office of finance and management shall be the department with primary responsibility for recordkeeping and enforcement of this chapter.

Sec. 272-106. Application to New Contracts.

The provisions of this chapter shall apply to the following:

- (a) Agreements entered into after the effective date of the ordinance codified in this chapter;
- (b) Renewals and/or amendments to Agreements entered into after the effective date of the ordinance codified in this chapter which renewal or amendment alone meets the financial threshold requirement of this chapter.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 335, 2016. Councillor Johnson reported that the Rules and Public Policy Committee heard Proposal No. 335, 2016 on October 18 and November 1, 2016. The proposal, sponsored by Councillors Pfisterer and Lewis, adds a new section to the Code establishing the space allocation and real estate advisory committee. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Johnson moved, seconded by Councillor Gray, for adoption. Proposal No. 335, 2016 was adopted on the following roll call vote; viz:

22 YEAS: *Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson*
0 NAYS:
3 ABSENT: *Adamson, Ray, Sandlin*

Proposal No. 335, 2016 was retitled GENERAL ORDINANCE NO. 65, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 2016

PROPOSAL FOR A GENERAL ORDINANCE to add a new Section 202-210 to the Revised Code establishing the Space Allocation and Real Estate Advisory Committee.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," is hereby amended by the addition of a new Section 202-210 establishing the Space Allocation and Real Estate Advisory Committee, to read as follows:

Sec. 202-210. Space Allocation and Real Estate Advisory Committee.

(a) The space allocation and real estate advisory committee is hereby established

(b) The mission of the space allocation and real estate advisory committee is to protect taxpayers by reviewing the space needs of all city and county departments and agencies and making recommendations to the mayor, the council, and county elected officials regarding:

- (1) the more efficient use of city and county-owned properties;
- (2) the acquiring of additional properties through lease or purchase; and
- (3) the disposal of unneeded properties through lease, sale or transfer.

For purposes of this section, the term "properties" means real estate used or to be used by city or county departments or agencies for office space, storage space or departmental or agency operations.

(c) The space allocation and real estate advisory committee shall be composed of seven (7) members, as follows:

- (1) the city controller;
- (2) the general manager of the Indianapolis-Marion County Building Authority;
- (3) one member of the majority party of the city-county council, selected by the council president;
- (4) one member of the minority party of the city-county council, selected by the council minority leader;
- (5) one judge of the Marion Superior Court, to be selected by the court's executive committee;
- (6) one county commissioner, to be selected by the county commissioners; and
- (7) the director of the department of metropolitan development.

The mayor shall name the chair of the committee from among the voting members. A committee member may designate a proxy to attend committee meetings.

In addition to voting members, the director of real estate for the office of finance and management and the chief financial officer of the city-county council shall serve as ex-officio non-voting members.

(d) After its initial meeting, the committee shall meet upon the call of its chair or a majority of its voting members, but there shall be at least six (6) meetings per year. Four (4) voting members of the committee shall constitute a quorum.

(e) The committee's duties and responsibilities include the following:

- (1) Review the current space needs and anticipated future space needs of all city and county departments and agencies;
- (2) Make recommendations to the mayor, the council, and county elected officials regarding alternative uses for existing city and county-owned properties that may be more efficient;
- (3) Make recommendations to the council on the need for city and county departments and agencies to lease properties in accordance with IC 36-1-10-7;
- (4) Make recommendations to the mayor, the council, and county elected officials on whether it is necessary or desirable to acquire additional properties through lease or purchase, and if so, what the fundamental terms and conditions should be; and

- (5) Make recommendations to the mayor, the council, and county elected officials on whether it is necessary or desirable to dispose of properties through lease, sale or transfer, and if so, what the fundamental terms and conditions should be.

(f) City and county entities will share information and cooperate with the committee, including, without limitation, permitting personnel to meet with committee members and appear before the committee.

(g) The meetings and records of the committee shall be subject to the Indiana open door and public records statutes.

(h) This section does not apply to leases with a value of less than ten thousand dollars (\$10,000) per year, or purchase or sales of less than ten thousand dollars (\$10,000).

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 341, 2016. Councillor Johnson reported that the Rules and Public Policy Committee heard Proposal No. 341, 2016 on October 18 and November 1, 2016. The proposal, sponsored by Councillor Osili, amends the Code regarding the criteria for designated memorial areas. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Johnson moved, seconded by Councillor Oliver, for adoption. Proposal No. 341, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson

0 NAYS:

3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 341, 2016 was retitled GENERAL ORDINANCE NO. 66, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 2016

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code regarding the criteria for designated memorial areas.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 431-402 of the "Revised Code of the Consolidated City and County," regarding criteria for designated memorial areas, is hereby amended by deleting the language that is stricken-through and inserting the language that is underlined, to read as follows:

Sec. 431-402. Criteria for designated memorial areas.

(a) No living person shall be honored by these designated memorial areas. If the area is dedicated to the memory of a person, that person shall have been deceased for a minimum of three (3) years, provided, however, that notwithstanding any other provision of this section, if a petition in support of the proposed designation is signed by all of the property owners of record within and abutting the proposed designated memorial area, and filed with the clerk of the Council, then subsection 431-403(c) does not apply, and the person to be honored shall have been deceased for a minimum of one (1) year.

The person must have been a generally recognized local community leader, or someone from outside of the community who significantly influenced Indianapolis in a high moral, physical or inspirational manner.

(b) A designated memorial area shall be either (i) one specific street up to one-half (½) mile long, or (ii) a contiguous cluster of streets with no circumference limitations forming an area in the close proximity of the honored person's geographical area of special influence (such as home, church, business).

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 346, 2016. Councillor Johnson reported that the Rules and Public Policy Committee heard Proposal No. 346, 2016 on October 18 and November 1, 2016. The proposal, sponsored by Councillors Miller, Adamson and Lewis, amends Chapter 903 of the Code to include pedal pubs in the regulation of pedal cabs. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Miller thanked everyone for working together to find a good solution and said that after speaking with the pedal pub companies he would like to offer an amendment.

Councillor Miller moved, seconded by Councillor Coats, the following amendment:

Madam Chair:

I move to amend Sec. 903-107 (e) of Proposal No. 346, 2016, by deleting the language that is stricken-through and adding the underlined language in the highlighted portion, to read as follows:

Sec. 903-107. Condition and appearance; equipment.

(e) A person shall not operate a pedal cab unless he or she is dressed in appropriate attire including but not limited to the following: Shoes, other than sandals, which cover the foot, unless the operator does not assist in propelling the vehicle by pedaling, in which case, sandals are permitted; pants or shorts, not shorter than mid-thigh in length, which are not fabricated of denim material; and, shirts or blouses, other than T-shirts, which have sleeves, but need not have collars, and which, if they are finished at the bottom, must be tucked in to the pants or shorts. The operator's attire shall not be visibly torn or soiled.

Councillor Fanning said that there still seem to be some strange requirements in this language and she asked if they are planning to revisit it in the future to clean up some of these needless restrictions. Councillor Miller said that they took care of the most bothersome items at this time, but they will look at it in a more holistic manner and will revisit it.

Proposal No. 346, 2016 was amended on the following roll call vote; viz:

21 YEAS: Clay, Coats, Cordi, Evans, Fanning, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
1 NAY: Freeman
3 ABSENT: Adamson, Ray, Sandlin

Councillor Johnson moved, seconded by Councillor Mascari, for adoption as amended. Proposal No. 346, 2016, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Clay, Coats, Cordi, Evans, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
2 NAYS: Fanning, Freeman
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 346, 2016, as amended, was retitled GENERAL ORDINANCE NO. 67, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 67, 2016

PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 903 of the Revised Code to include pedal pubs in the regulation of pedal cabs.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 903 of the "Revised Code of the Consolidated City and County," regarding pedal cabs, hereby is amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Chapter 903 – PEDAL CABS

Sec. 903-101. Definitions.

(a) When used in this chapter, pedal cab means a bicycle-type vehicle, either motorized, motor-assisted, or propelled solely by human muscular power, which is designed to:

- (1) Travel on three (3) or more wheels in contact with the ground; and,
- (2) Be operated by one (1) person for the purpose of transporting, for hire or as a contractual service, ~~a maximum of three (3)~~ one or more persons riding on seats or a platform, some of whom may assist in propelling the vehicle.

(b) When used in this chapter, the words roadway, sidewalk, and street or highway shall have the meanings ascribed to them in Section 441-101 of this Code.

Sec. 903-102. Registration required; fee.

(a) It shall be unlawful for a person to operate, or cause to be operated, a pedal cab on a street or highway in the city, unless the pedal cab first is registered with the license administrator as provided in this chapter.

(b) The annual fee for registration of a pedal cab shall be provided in section 131-501 of the Code.

Sec. 903-103. Registration information.

(a) Registrations shall be made on forms provided by the license administrator, and verified under oath by a person who owns or has a financial interest in the pedal cabs.

(b) In addition to the information required by Section 801-203 of this Code, the registrant shall provide the following information:

- (1) The number of pedal cabs to be operated, which shall not be less than ~~four (4)~~ three (3); provided, however, that this requirement shall not apply to pedal cab registrants who began operation after October 1, 2016, and before January 1, 2017;
- (2) A description of each pedal cab, including the vehicle type, seating capacity, manufacturer, serial number, and a color photograph;
- (3) Whether the registrant has ever been convicted of a felony, if the registrant is an individual; whether any of the partners have been convicted of a felony, if the registrant is a partnership; and whether any of the officers or directors have been convicted of a felony, if the registrant is a corporation;
- (4) The name, age, address, and state motor vehicle operator's license number of each person who will act as an operator of a registered pedal cab, and whether such person has ever been convicted of a felony;
- (5) A schedule of rates and charges applicable to passengers, unless all services are pre-paid and no pickup service is included; and
- (6) Any other information deemed necessary by the license administrator.

Sec. 903-104. Public liability.

(a) Before the issuance of a certificate of registration or renewal of a registration under this chapter, the registrant shall post or maintain with the license administrator either an indemnity bond or a policy of public liability insurance, approved as to form by the corporation counsel, and conditioned substantially that the registrant will indemnify and save harmless the city, its officers, agents and employees, from any and all loss, costs, damages or expenses, by reason of legal liability that may result from or arise out of the operation of a pedal cab for which a certificate of registration is issued, and that the registrant will pay any and all loss or damage that may be sustained by a person that results from or arises out of the illegal or negligent operation or maintenance of a pedal cab. The bond or policy of insurance shall be maintained in its original amount by the registrant at the registrant's expense at all times during the period for which the registration is in effect. In the event two (2) or more certificates of registration are issued to one (1) registrant, one (1) such bond or policy of insurance may be furnished to cover two (2) or more pedal cabs, and each bond or policy shall be of a type where coverage shall be restored automatically after the occurrence of any accident or event from which liability may thereafter accrue.

(b) The limit of liability upon any bond or policy posted under this section in no event shall be less than one million dollars (\$1,000,000.00) for death or injury of one (1) person, two million dollars (\$2,000,000.00) for total liability for death or personal injury arising out of any one (1) event or casualty, and fifty thousand dollars (\$50,000.00) for property damage.

(c) Any bond posted under this section shall be accompanied by good and sufficient sureties approved by the license administrator.

(d) The license administrator shall notify the registrant under this chapter of any claim of which the city has notice, where such claim arises from the operation or maintenance of any pedal cab.

(e) The failure to maintain the bond or policy required under this section throughout the entire term of a registration shall constitute a violation of this Code.

Sec. 903-105. Qualification of operators.

(a) Before the issuance of a certificate of registration or renewal of a registration under this chapter, the license administrator shall first investigate the character of each person identified as an operator of a pedal cab. Each such person shall demonstrate to the license administrator that he or she is:

- (1) Able to speak, read and write the English language;
- (2) The holder of a valid motor vehicle operator's license issued by the state;
- (3) Free of defective vision, defective hearing, and any other infirmities that would render him or her unable to operate a pedal cab in a safe manner; and
- (4) Free of alcohol or drug addiction.

The license administrator may require such person to demonstrate the ability to operate a pedal cab, and, by test or otherwise, his or her familiarity with the requirements of this chapter.

(b) During the term of the registration, the registrant shall give the license administrator written notice of a person proposed to act as an operator, but who was not listed on the registration form. The notice shall include the same information as originally required, and such person shall be qualified under this section before operating a pedal cab in the city.

Sec. 903-106. Registration certificate and term.

(a) Upon receipt of a completed registration form, the filing of a bond or insurance under section 903-104 of this chapter, and the qualification of the registrant's operators under section 903-105 of this chapter, the license administrator shall issue either a certificate of registration for each registered pedal cab, or a written denial of the registration.

(b) An initial registration issued under this chapter shall be valid for a period of one (1) year as provided in section 801-209 of the Code, followed by a two (2) year term at the discretion of the city, at which time the city may determine that a one (1) year renewal period is needed.

Sec. 903-107. Condition and appearance; equipment.

(a) A pedal cab at all times shall be maintained in a reasonably clean condition, and free of the following: Litter and debris; dirt, grease, rust and corrosion in visible metal areas; graffiti; and, chipped, faded, cracked and peeling paint.

(b) A pedal cab shall be maintained in a reasonably safe condition both inside the passenger seating area, as well as externally, so as not to injure or damage the person, clothing or possessions of the passenger. A pedal cab shall be free of cracked, dented or broken components.

(c) Both the right and left sides of a pedal cab shall bear a sign, plainly written in letters not more than three (3) inches in height, containing the full name and telephone number of the registrant. Also, a copy of the certificate of registration shall be displayed in the pedal cab.

(d) A pedal cab shall be equipped with hydraulic or mechanical disc brakes, a hood to protect passengers from the elements, a battery-operated or generator-operated headlight and taillight, both front and rear turn signals, spoke reflectors placed on each wheel containing spokes, and tape-type reflectors showing the front and back width of the pedal cab.

(e) A person shall not operate a pedal cab unless he or she is dressed in appropriate attire including but not limited to the following: Shoes, other than sandals, which cover the foot, unless the operator does not assist in propelling the vehicle by pedaling, in which case, sandals are permitted; pants or shorts, not shorter than mid-thigh in length, ~~which are not fabricated of denim material~~; and, shirts or blouses, other than T-shirts, which have sleeves, but need not have collars, and which, if they are finished at the bottom, must be tucked in to the pants or shorts. The operator's attire shall not be visibly torn or soiled.

(f) It shall be unlawful for a registrant under this chapter to cause, suffer, or allow the operation, on a street or highway in the city, of a pedal cab which does not conform to the requirements of this section, or which is operated by a person not in appropriate attire.

Sec. 903-108. Manner of operation.

(a) A pedal cab shall not be operated on a sidewalk.

(b) A pedal cab operator shall not solicit patronage in a loud tone of voice or in any manner so as to annoy or obstruct the movement of a person, nor shall an operator follow a person for the purpose of soliciting patronage.

(c) A pedal cab operator shall not at anytime pick up or discharge passengers in the roadway unless the pedal cab and passengers are in the curb lane, or the inside lane of Monument Circle, and shall not pick up or discharge passengers any where in a roadway between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m.

(d) Occupancy of a pedal cab shall not exceed the rated seating capacity of the vehicle.

(e) A pedal cab operator shall not allow a passenger to ride on any part of the pedal cab other than by sitting on the seats or platforms designed for such purpose.

(f) Operators are prohibited from smoking while carrying passengers.

(g) Each operator shall carry an identification card or be wearing some type of visible identification at all time when operating a pedal cab.

(h) ~~☉ Unless all services are pre-paid and no pickup service is included,~~ operators shall carry rate cards and exhibit them on demand. Rate cards shall also be affixed to the pedal cab in a prominent location so as to advise prospective clientele of the rates and fares. Rate cards shall bear the name and business address of the registrant, and a complete schedule of rates and fares, which shall be the same as those on file with the license administrator. Registrants shall give the license administrator written notice at least ten (10) days prior to any change in the rates and fares.

(i) A pedal cab shall not be operated with an attached trailer, or be used to tow another vehicle of any type.

(j) The operation of pedal cabs upon any public street and at any time may be prohibited by IMPD, the Mayor, or License Administrator, when such operation would be inconsistent with other special events or public safety requirements, by giving forty-eight (48) hours' advance written notice of such prohibition.

(k) A pedal cab operator shall obey all applicable state and local traffic and parking laws, ordinances and regulations. A pedal cab operator shall pull over to allow traffic to pass whenever the traffic could not otherwise pass without crossing the center line.

(l) It shall be unlawful for a person to operate a pedal cab in violation of the provisions of this section.

Sec. 903-109. Reserved.

Sec. 903-110. Enforcement and penalties.

In addition to the license administrator's hearings and any penalties the license administrator may impose under Chapter 801 of this Code, a person's first violation of any provision of this chapter in a twelve-month period, including but not limited to the operation of a pedal cab:

- (1) That is not registered, or not in compliance with the requirements of Sections 903-107 and 903-108 of this chapter; and
- (2) By an operator who is not qualified under Section 903-105 of this chapter;

shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of this Code. A person's second and subsequent violations in the twelve-month period are subject to the enforcement procedures and penalties provided in Section 103-3 of this Code.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, or January 1, 2017, whichever is later.

PROPOSAL NO. 352, 2016. Councillor Simpson reported that the Administration and Finance Committee heard Proposal No. 352, 2016 on November 9, 2016. The proposal, sponsored by Councillor Lewis, adopts an Annuity Savings Account (ASA) Only Plan under the Public Employees' Retirement Fund administered by the Indiana Public Retirement System. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Jackson made the following motion:

Madam Chair:

I move to amend Exhibit A of Proposal No. 352, 2016, as previously amended in committee, by deleting the double-stricken-through language and adding the double-underlined language in the highlighted portion, to read as follows:

Exhibit A

**Consolidated City of Indianapolis and Marion County
Public Employees' Retirement Fund (PERF) Coverage by Employee Classification**

- ASA Only for all employees:
 - with an employment start date after January 1, 2017; and
 - who would have otherwise been eligible for the PERF Hybrid beginning January 1, 2017
- PERF Hybrid or ASA Only, a choice between the fund and the plan, for employees:
 - with an employment start date after January 1, 2017; and
 - who are members of American Federation of State, County & Municipal Employees (AFSCME).
- PERF Hybrid ;

- continued membership for all current employees until termination of employment, and
- continued membership for employees with an employment start date prior to 1/1/2017 who transfer between a City agency/office/department and a County agency/office/department.

Councillor Simpson seconded the motion, and Proposal No. 352, 2016 was amended on the following roll call vote; viz:

21 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
0 NAYS:
1 NOT VOTING: McQuillen
3 ABSENT: Adamson, Ray, Sandlin

Councillor Jackson thanked the Mayor and his administration for working to attract and retain new talent and for working with AFSCME to make sure their workers are taken care of.

Councillor Simpson moved, seconded by Councillor Oliver, for adoption, as amended. Proposal No. 352, 2016, as amended, was adopted on the following roll call vote; viz:

22 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
0 NAYS:
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 352, 2016, as amended, was retitled GENERAL RESOLUTION NO. 12, 2016, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 2016

A PROPOSAL FOR A GENERAL RESOLUTION electing to join the Public Employees' Retirement Plan as administered by the Indiana Public Retirement System.

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana ("City-County Council") is the governing body of the Consolidated City of Indianapolis and Marion County, a political subdivision or miscellaneous participating entity in the STATE OF INDIANA; and

WHEREAS, for the purposes of this document and interpretation of statutes governing the Public Employees Retirement Fund ("PERF"), "Plan" refers to the public employees' defined contribution plan under IC 5-10.3-12 ("ASA Only"). "Fund" refers to the PERF Hybrid defined benefit pension fund ("PERF Hybrid").

WHEREAS, political subdivisions may participate in ASA Only and choose whether employees are required to become members of the **Plan**, the **Fund** or may choose membership in either the **Plan** or the **Fund**.

WHEREAS, the governing body is fully cognizant that, if it is resolved that the governing body will place any employees in the **Fund**, the percentage of cost of gross annual payroll of covered employees has been set at 11.2% by the actuary of the Fund, and that the Board of Trustees of the Indiana Public Retirement System directs the actuary to annually review the status of the employees covered and shall adjust the cost percentage accordingly so that the Fund will remain on an actuarially sound basis; and

WHEREAS, the governing body is fully cognizant that, if it is resolved that the governing body will require employees to enter the **Plan** or offer employees a choice between **Fund** and **Plan** membership, the governing body shall submit a resolution with the following information regarding their participation in the **Plan**:

1. Specify the political subdivision's contribution rate to the plan as a percentage of each member's compensation AND pay such contributions as required under IC 5-10.3-12-23; and IC 5-10.3-12-24.5. Such

rates must be greater than or equal to zero percent (0%) and may not exceed the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.

2. Specify the political subdivision's matching rate that is the percentage of each member's additional contributions to the plan that the political subdivision will match. A political subdivision may specify only:
(1) zero percent (0%); or
(2) fifty percent (50%).
3. Specify whether the political subdivision will pay any part of a member's contribution on behalf of the member;
4. Specify whether employees will automatically be enrolled in the **Fund** or the **Plan** if an eligible employee does not make an affirmative election.

WHEREAS, if such governing body participates in **Fund**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

WHEREAS, if such governing body participates in **Plan**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to meet all contribution obligations required by law.

WHEREAS, such governing body acknowledges and agrees to make a supplemental contribution (7.2% as of FY 2017) to the fund in an amount necessary to pay the employers' share of the fund's actuarial unfunded liability that other employers would otherwise be required to pay because the employer's employees are becoming members of the plan instead of the fund.

WHEREAS, such governing body acknowledges and agrees, when an employee separates from service before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount is forfeited as of the date the member separates from service and that such forfeited amounts shall be used to reduce the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4). Employers without an unfunded liability, such as employers joining PERF for the first time and offering only Plan membership, such forfeited amounts will be returned to the employer in the form of a credit to the employer contribution subaccount.

WHEREAS, the General Assembly of the State of Indiana has authorized covered employers to pick-up all or part of members' mandatory contributions; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Consolidated City of Indianapolis and Marion County elects to become a participating political subdivision or miscellaneous participating entity in the Public Employees' Retirement Fund by including classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, and all Acts amendatory thereof and supplemental thereto

SECTION 2. The Consolidated City of Indianapolis and Marion County elects to offer the following retirement plan(s) under the Public Employees' Retirement Fund:

- | | |
|-------------------|--|
| <u> </u> | PERF |
| <u> </u> | ASA Only |
| <u> </u> | Both PERF Hybrid and ASA Only to all employees, allowing the employee to choose in which retirement plan the employee will participate, based upon the employee's previous participation in the Fund or the Plan . |
| <u> </u> | ASA, in addition to PERF Hybrid, for which this governing body has already submitted a resolution to join PERF Hybrid. |
| <u> X </u> | PERF Hybrid only to certain classes of employees and ASA Only to certain classes of employees as set forth in an attached document. |

☒ Both PERF Hybrid and ASA Only to certain classes of employees, as set forth in an attached document, allowing those employees to choose in which retirement plan the employee will participate, based upon the employee's previous participation in the **Fund** or the **Plan**.

SECTION 3. If an employee is eligible to choose membership in either the Fund or the Plan, and that employee fails to make an election within the period set forth in IC 5-10.3-12-20 and 35 IAC 1.3-4-1, said employee will be automatically and irrevocably enrolled in the following plan:

☐ PERF Hybrid

☒ ASA Only

SECTION 4. That, effective as of the 1st day of January, 2017, this participating political subdivision or miscellaneous participating entity shall pick up **100%** of the mandatory contribution for **all** employees who are members of PERF. Said employees shall not be entitled to choose to receive the contributed amounts directly instead of having them paid by the employer to the specified pension fund.

CHOOSE EITHER 4A OR 4B

☒ 4A. **New Money Pick-Up** - That the above contributions, even though designated as employee contributions for state law purposes, are being paid by the employer in addition to regular compensation as a supplemental contribution that is separate and distinct from the employees' current or future compensation, and in lieu of contributions by the employees. Such contributions will not be included in the gross income of the employees for any tax reporting purposes, such as for federal, state or local income tax withholding, or FICA taxes, until distributed either through a pension benefit or a lump sum payment. These contributions are made on a pre-tax basis and are paid by the employer on behalf of the employee.

☐ 4B. **Salary Reduction Pick-Up** - That said contributions, even though designated as employee contributions for state law purposes, are being paid by the employer via a reduction in salary. Such contributions will not be included in the gross income of the employees for certain tax reporting purposes, that is, for federal, state, or local income tax withholding, until distributed either through a pension benefit or a lump sum payment. Such contributions will be included in the gross income of the employees for FICA taxes when they are made. These contributions are made on a pre-tax basis but are paid by the employee through a payroll deduction.

SECTION 5. The Consolidated City of Indianapolis and Marion County, as a participating political subdivision, offering the Plan, agrees to pay a contribution rate to the Plan as a percentage of each member's compensation in the amount of **1%**. This amount may range from 0% to the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.

SECTION 6. The Consolidated City of Indianapolis and Marion County, as a participating political subdivision, offering the Plan, agrees to pay a matching rate in the amount of:

☐ Fifty Percent (50%)

☒ Zero Percent (0%)

which is the percentage of each member's additional voluntary contributions to the Plan that governing body will match.

SECTION 7. The positions listed on an attached document are declared covered by the **Fund**, the **Plan**, or **Both** as indicated in the Consolidated City of Indianapolis and Marion County Public Employees' Retirement Fund (PERF) Coverage by Employee Classification, attached hereto and incorporated as Exhibit A.

SECTION 8. It is hereby declared that none of the classifications or positions specified in Section Three are compensated on a fee basis or of an emergency nature, or in a part-time category.

SECTION 9. The active participation membership of the Consolidated City of Indianapolis and Marion County shall begin on **January 1, 2017**.

SECTION 10. This resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Indiana Public Retirement System, except that active participating membership shall begin on the date set forth in Section Nine (9).

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Exhibit A

**Consolidated City of Indianapolis and Marion County
Public Employees' Retirement Fund (PERF) Coverage by Employee Classification**

- ASA Only for all employees:
 - with an employment start date after January 1, 2017; and
 - who would have otherwise been eligible for the PERF Hybrid beginning January 1, 2017
- PERF Hybrid or ASA Only, a choice between the fund and the plan, for employees:
 - with an employment start date after January 1, 2017; and
 - who are members of American Federation of State, County & Municipal Employees (AFSCME).
- PERF Hybrid:
 - continued membership for all current employees until termination of employment , and
 - continued membership for employees with an employment start date prior to 1/1/2017 who transfer between a City agency/office/department and a County agency/office/department.

PROPOSAL NO. 354, 2016 Councillor Osili reported that the Metropolitan and Economic Development Committee heard Proposal No. 354, 2016 on October 24, 2016. The proposal, sponsored by Councillors Osili and Miller, approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds (2017 Consolidated Annual Action Plan). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Osili moved, seconded by Councillor Evans, for adoption. Proposal No. 354, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson

0 NAYS:

3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 354, 2016 was retitled SPECIAL RESOLUTION NO. 43, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 2016

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the Consolidated City of Indianapolis, Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 22, 2016, the 2017 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 (b) of the Budget Ordinance, as approved by the Council reads as follows:

November 14, 2016

Community Development Grant Funds. Until this Council has approved the amounts, locations, and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2017 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2017 to the Council; and

WHEREAS, the 2017 Consolidated Annual Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by the Community Development Grant Funds, which are summarized in the Summary of 2017 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2017 Consolidated Annual Action Plan, including insubstantial amendments thereto should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the amounts, locations, and programmatic operations of each of the projects included in the 2017 Consolidated Annual Action Plan, which are summarized in the Summary of 2017 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01 (b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code section 36-3-4-14.

PROPOSAL NO. 357, 2016. Councillor Oliver reported that the Parks and Recreation Committee heard Proposal No. 357, 2016 on October 27, 2016. The proposal, sponsored by Councillors Lewis, Gray, Oliver, Adamson and Simpson, approves the issuance of special taxing district bonds of the Park District of the City of Indianapolis, Marion County not to exceed \$5,200,000 for the purpose of procuring funds to be applied to the cost of the acquisition, construction, installation and equipping of certain community park improvements, together with incidental expenses incurred in connection with or on account of the issuance of the bonds. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Oliver made the following motion:

Madam Chair:

I move to amend the final "Whereas" statement and Section 1 of Proposal No. 357, 2016, which was previously amended in committee, by deleting the language that is stricken-through and adding the underlined language in the highlighted portion, to read as follows:

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council") now desires to approve the issuance of the Bonds, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds, pursuant to Indiana Code 36-3-5-8(c), and the maximum principal amount, term and interest rate thereof, pursuant to Indiana Code 36-10-4-35(g), Indiana Code 36-3-5-8(b), and Indiana Code 36-3-6-9(c); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The issuance of the Bonds by the District, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds to finance the Projects is are hereby approved in all respects.

Councillor Fanning seconded the motion, and Proposal No. 357, 2016 was amended on the following roll call vote; viz:

22 YEAS: *Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson*
0 NAYS:
3 ABSENT: *Adamson, Ray, Sandlin*

Councillor Oliver moved, seconded by Councillor Fanning, for adoption. Proposal No. 357, 2016 was adopted on the following roll call vote; viz:

21 YEAS: *Clay, Coats, Cordi, Evans, Fanning, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson*
1 NAY: *Freeman*
3 ABSENT: *Adamson, Ray, Sandlin*

Proposal No. 357, 2016 was retitled GENERAL RESOLUTION NO. 13, 2016, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2016

A GENERAL RESOLUTION of the City of Indianapolis and Marion County, Indiana, approving of the issuance of special taxing district bonds of the Park District of the City of Indianapolis, Indiana and Marion County, Indiana.

WHEREAS, on October 27, 2016, the Board of Parks and Recreation (the "Board") of the City of Indianapolis and Marion County, Indiana (the "Consolidated City") adopted its Resolution entitled "Resolution of the Board of Parks and Recreation of the City of Indianapolis and Marion County, Indiana, Regarding Proposed Works of Improvement and its Intent to Issue Bonds and Other Related Matters" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution set forth, inter alia, the Board's proposal, pursuant to Indiana Code 36-10-4-35, to cause to be issued special taxing district bonds of the Park District of the Consolidated City (the "District"), payable from a special tax levied upon all of the taxable property in the District, in an aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000) (the "Bonds"), for the purpose of procuring funds to be applied to the cost of the acquisition, construction, installation and equipping of certain community park improvements, as more particularly described in Exhibit A, attached hereto and made a part hereof (collectively, the "Projects"), together with expenses incidental thereto, including all expenses permitted by Indiana Code 36-10-4-35 and all expenses incurred in connection with or on account of the issuance of the Bonds therefor; and

WHEREAS, pursuant to the Declaratory Resolution, the Bonds shall be issued in a principal amount not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000), shall have a term not to exceed twelve (12) years, and shall bear interest at a rate or rates not to exceed six percent (6.0%) per annum; and

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council") now desires to approve the issuance of the Bonds, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds, pursuant to Indiana Code 36-3-5-8(c), and the maximum principal amount, term and interest rate thereof, pursuant to Indiana Code 36-10-4-35(g), Indiana Code 36-3-5-8(b), and Indiana Code 36-3-6-9(c); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The issuance of the Bonds by the District, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds to finance the Projects are hereby approved in all respects.

SECTION 2. The maximum principal amount of the Bonds of Five Million Two Hundred Thousand Dollars (\$5,200,000), the maximum term of the Bonds of twelve (12) years, and the maximum interest rate for the Bonds of six percent (6.0%) per annum, are each hereby approved.

PROPOSAL NO. 358, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 358, 2016 on October 26, 2016. The proposal, sponsored by Councillor Robinson, approves a transfer of \$400,000 in the 2016 Budget of the Marion Superior Court (County General Fund) to cover the cost of jurors, psychological evaluations, interpreters and other contractual expenses. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Oliver, for adoption. Proposal No. 358, 2016 was adopted on the following roll call vote; viz:

22 YEAS: *Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson*
0 NAYS:
3 ABSENT: *Adamson, Ray, Sandlin*

Proposal No. 358, 2016 was retitled FISCAL ORDINANCE NO. 32, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 36, 2015) by transferring Four Hundred Thousand dollars (\$400,000) for purposes of the Marion Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2016 is hereby amended by the increases and decreases hereinafter stated for purposes of the Marion Superior Court.

SECTION 2. The Marion Superior Court, transfers appropriations in the County General Fund to cover the cost of jurors, psychological evaluations, interpreters and other contractual expenses. The following changes to appropriations are hereby approved:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>TOTAL</u>
County General Fund	(400,000)		400,000		0

SECTION 3. Upon approval of this, and other pending approvals, the 2016 year end and projected 2017 year end fund balances are as follows:

	Projected 2016 year-end balance	Projected 2017 year-end balance
County General Fund	1,260,351	4,891,814

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 360, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 358, 2016 on October 26, 2016. The proposal, sponsored by Councillors Lewis, Gray, Oliver, Adamson and Simpson, approves the issuance of special

taxing district bonds of the public safety communications systems and computer facilities district of the City of Indianapolis and Marion County in an amount not to exceed \$21,400,000 for the purpose of procuring funds to be applied to the cost of a public safety communications computer aided dispatch (CAD) system; a records management system; refunding of outstanding obligations entered into to finance the installation, equipping and upgrading of apparatus, devices, systems and appurtenances necessary for the operation of Marion County's E-911 communications system facility; together with incidental expenses in connection with or on account of the issuance of the bonds. By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gray said that \$10 million was spent on this system during the last administration, and he asked if they will be able to recoup any of that cost. Mr. Brown said that the Office of Corporation Counsel is working with the vendor on a settlement and hopefully some of that money that was paid upfront will be recouped. Councillor Gray asked if this one was properly bid. Mr. Brown said that the last vendor was already under contract with the state, and the city was able to piggy-back on that contract, hopefully to gain some savings. It was completely legal and was approved through the Public Safety and Criminal Justice Committee. The only difference is that they paid some of that up front, and this new contract, they will pay in installments via key completion dates, and the Controller has agreed not to pay money again up front.

Councillor Robinson made the following motion:

Madam Chair:

I move to amend the final "Whereas" statement and Section 1 of Proposal No. 360, 2016, by deleting the language that is stricken-through and adding the underlined language in the highlighted portion, to read as follows:

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council") now desires to approve the issuance of the Bonds, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds pursuant to Indiana Code 36-3-5-8(c) and Indiana Code 36-8-15-15(d), and the maximum principal amount, term and interest rate thereof, pursuant to Indiana Code 36-3-5-8(b) and Indiana Code 36-3-6-9(c); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

The issuance of the Bonds by the District, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds to finance the Projects ~~is~~ are hereby approved in all respects.

Councillor McQuillen seconded the motion, and Proposal No. 360, 2016 was amended on the following roll call vote; viz:

21 YEAS: Clay, Coats, Cordi, Evans, Fanning, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson

1 NAY: Freeman

3 ABSENT: Adamson, Ray, Sandlin

Councillor Freeman said that this could have been palatable if it had a companion proposal. He said that he is anxiously waiting to see the E-911 budget go into the Marion County Sheriff's Department's budget, but he has been waiting for that to happen for six years, and still does not believe it will happen.

Councillor Robinson moved, seconded by Councillor Oliver, for adoption. Proposal No. 360, 2016 was adopted on the following roll call vote; viz: Robinson/Pfisterer

21 YEAS: Clay, Coats, Cordi, Evans, Fanning, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson

1 NAY: Freeman

3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 360, 2016 was retitled GENERAL RESOLUTION NO. 14, 2016, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 2016

A GENERAL RESOLUTION of the City of Indianapolis and Marion County, Indiana, approving of the issuance of special taxing district bonds of the public safety communications systems and computer facilities district of the City of Indianapolis, Indiana and Marion County, Indiana.

WHEREAS, on November 2, 2016, the Board of Public Health and Safety (the "Board") of the City of Indianapolis and Marion County, Indiana (the "Consolidated City") adopted its Resolution entitled "Resolution of the Board of Public Health and Safety of the City of Indianapolis and Marion County, Indiana, Regarding Proposed Works of Improvement and its Intent to Issue Bonds and Other Related Matters" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution set forth, inter alia, the Board's proposal, pursuant to Indiana Code 36-8-15-15, to cause to be issued special taxing district bonds of the Indianapolis Public Safety Communications Systems and Computer Facilities District (the "District"), payable from a special tax levied upon all of the taxable property in the District, in an aggregate principal amount not to exceed Twenty-One Million Four Hundred Thousand Dollars (\$21,400,000) (the "Bonds"), for the purpose of procuring funds to be applied to the cost of (a) the acquisition, construction, installation and equipping of a public safety communications computer aided dispatch (CAD) system, together with related expenses, in an approximate amount of Five Million Nine Hundred Thousand Dollars (\$5,900,000), (b) the acquisition, construction, installation and equipping of a records management system, together with related expenses, in an approximate amount of Three Million Dollars (\$3,000,000), and (c) the refunding of outstanding obligations entered into to finance the installation, equipping and upgrading of apparatus, devices, systems and appurtenances necessary for the operation of Marion County's E-911 communications system facility, together with related expenses, in an approximate amount of Eleven Million Nine Hundred Thousand Dollars (\$11,900,000) (collectively, the "Projects"), together with expenses incidental thereto, including all expenses permitted by Indiana Code 36-8-15-15 and all expenses incurred in connection with or on account of the issuance of the Bonds therefor; and

WHEREAS, pursuant to the Declaratory Resolution, the Bonds shall be issued in a principal amount not to exceed Twenty-One Million Four Hundred Thousand Dollars (\$21,400,000), shall have a term not to exceed twelve (12) years, and shall bear interest at a rate or rates (i) not to exceed six percent (6.0%) per annum to the extent the interest on the applicable series of Bonds is tax-exempt for purposes of federal income taxation and (ii) not to exceed seven percent (7.0%) per annum to the extent the interest on the applicable series of Bonds is taxable for purposes of federal income taxation; and

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council") now desires to approve the issuance of the Bonds, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds pursuant to Indiana Code 36-3-5-8(c) and Indiana Code 36-8-15-15(d), and the maximum principal amount, term and interest rate thereof, pursuant to Indiana Code 36-3-5-8(b) and Indiana Code 36-3-6-9(c); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The issuance of the Bonds by the District, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds to finance the Projects are hereby approved in all respects.

SECTION 2. The maximum principal amount of the Bonds of Twenty-One Million Four Hundred Thousand Dollars (\$21,400,000), the maximum term of the Bonds of twelve (12) years, and the maximum interest rate for the Bonds of

(i) six percent (6.0%) per annum to the extent the interest on the applicable series of Bonds is tax-exempt for purposes of federal income taxation and (ii) not to exceed seven percent (7.0%) per annum to the extent the interest on the applicable series of Bonds is taxable for purposes of federal income taxation, are each hereby approved.

PROPOSAL NO. 362, 2016. In Chair Adamson's absence, Councillor Osili reported that the Public Works Committee heard Proposal No. 362, 2016 on November 3, 2016. The proposal, sponsored by Councillor Mascari, authorizes intersection controls on Garfield Drive at Hervey Street and Ringgold Avenue (District 21). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McQuillen asked if they will be using LED technology. Lori Miser, Director, Department of Public Works, stated that they will.

Councillor Osili moved, seconded by Councillor Robinson, for adoption. Proposal No. 362, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson
0 NAYS:
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 362, 2016 was retitled GENERAL ORDINANCE NO. 68, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 2016

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
32	Garfield Drive Hervey Street	Garfield Drive	Stop
32	Garfield Drive Ringgold Avenue	Garfield Drive	Stop

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
32	Garfield Drive Hervey Street	None	All Way
32	Garfield Drive Ringgold Avenue	None	All-Way

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 363, 2016 In Chair Adamson's absence, Councillor Osili reported that the Public Works Committee heard Proposal No. 363, 2016 on November 3, 2016. The proposal, sponsored by Councillors Lewis, Gray, Oliver, Adamson and Simpson, approves the issuance of special taxing district bonds of the Metropolitan Thoroughfare District of Marion County in an amount not to exceed \$24,600,000 for the purpose of procuring funds to be applied to the costs of certain road and street improvements and the purchase of certain equipment, together with incidental expenses incurred in connection with or on account of the issuance of the bonds. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coats stated that he will support the proposal, but he calls on the Mayor and the administration to take advantage of the \$39 million they have set aside for infrastructure needs, as it is just sitting there and can only be used for this purpose, and they could use all the money in this area they can get.

Councillor Miller said that he supported the bonding for the last two years and would echo Councillor Coats' challenge. He said that this is \$20 million over four years, but he would ask them to consider matching that \$5 million a year in additional spending. He said that he can respect that they want to keep money in the rainy day fund for emergencies, but there are so many areas that need attention in his district and only two projects can be addressed this year.

Councillor Pfisterer echoed her colleagues' comments and said that the needs are huge, and she cannot support incurring additional debt to taxpayers when they have money given to them from the state that should be and can only be used for those projects.

Councillor Osili moved, seconded by Councillor Robinson, for adoption. Proposal No. 363, 2016 was adopted on the following roll call vote; viz:

19 YEAS: Clay, Coats, Cordi, Evans, Fanning, Gray, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Robinson, Scales, Simpson
3 NAYS: Freeman, Holliday, Pfisterer
3 ABSENT: Adamson, Ray, Sandlin

Proposal No. 363, 2016 was retitled GENERAL RESOLUTION NO. 15, 2016, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 15, 2016

A GENERAL RESOLUTION of the City of Indianapolis and Marion County, Indiana, approving of the issuance of special taxing district bonds of the Metropolitan Thoroughfare District of Marion County, Indiana.

WHEREAS, on October 26, 2016, the Board of Public Works, acting as the Board of Transportation (the "Board") of the City of Indianapolis and Marion County, Indiana (the "Consolidated City"), adopted its Resolution entitled "Resolution of the Board of Public Works, Acting as the Board of Transportation of the City of Indianapolis and Marion County, Indiana, Regarding Proposed Works of Improvement and its Intent to Issue Bonds and Other Related Matters" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution set forth, inter alia, the Board's proposal, pursuant to Indiana Code 36-9-6.5-9, to cause to be issued special taxing district bonds of the Metropolitan Thoroughfare District of Marion County, Indiana (the "District"), payable from a special tax levied upon all of the taxable property in the District, in an aggregate principal amount not to exceed Twenty-Four Million Six Hundred Thousand Dollars (\$24,600,000) (the "Bonds"), for the purpose of procuring funds to be applied to the costs of (a) the construction of certain road and street improvements, as more particularly described in Exhibit A, attached hereto and made a part hereof, together with related expenses, and (b) the purchase of certain equipment, as more particularly described in Exhibit B, attached hereto and made a part hereof, together with related expenses (collectively, the "Projects"), together with expenses incidental thereto, including all expenses permitted by Indiana Code 36-9-6.5-9 and all expenses incurred in connection with or on account of the issuance of the Bonds therefor; and

WHEREAS, pursuant to the Declaratory Resolution, the Bonds shall be issued in a principal amount not to exceed Twenty-Four Million Six Hundred Thousand Dollars (\$24,600,000), shall have a term not to exceed sixteen (16) years, and shall bear interest at a rate or rates not to exceed six percent (6.0%) per annum; and

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council") now desires to approve the issuance of the Bonds, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds pursuant to Indiana Code 36-3-5-8(c) and Indiana Code 36-9-6.5-9(d), and the maximum principal amount, term and interest rate thereof, pursuant to Indiana Code 36-3-5-8(b) and Indiana Code 36-3-6-9(c); now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The issuance of the Bonds by the District, including, but not limited to, all actions necessary to provide for the issuance of the Bonds, including the appropriation of the proceeds of the Bonds to finance the Projects are hereby approved in all respects.

SECTION 2. The maximum principal amount of the Bonds of Twenty-Four Million Six Hundred Thousand Dollars (\$24,600,000), the maximum term of the Bonds of sixteen (16) years, and the maximum interest rate for the Bonds of six percent (6.0%) per annum, are each hereby approved.

NEW BUSINESS

Councillor McQuillen stated that this is the last meeting for Councillors Freeman and Sandlin due to the results of the recent election. He thanked them for their service and wished them well in the Senate.

President Lewis wished a happy birthday to Councillor Oliver today and a happy birthday to Councillor Gray on Wednesday.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Kreider in memory of Arturo Lara Quintana; and
- (2) Councillor McQuillen in memory of Paul W. Stewart; and

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- (3) Councillor Holliday in memory of Frances Peachey Amos; and
- (4) Councillor Lewis in memory of Betty Crowe, Casimir Balt, Dawn Hampton, Yvonne Perkins and Gladys Warner Stuart; and
- (5) Councillor Pfisterer in memory of Donald E. Smith, James E. Anderson and William R. Tow ; and
- (6) Councillor Sandlin in memory of Sandra "Sandee" J. Kelly; and
- (7) Councillor Miller in memory of Diane Umbaugh.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Arturo Lara Quintana, Paul W. Stewart, Frances Peachey Amos, Betty Crowe, Casimir Balt, Dawn Hampton, Yvonne Perkins, Gladys Warner Stuart, Donald E. Smith, James E. Anderson, William R. Tow, Sandra "Sandee" J. Kelly, and Diane Umbaugh. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:42 p.m.


We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of November, 2016.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)